



# THE CUSTOMARY LAND TENURE SYSTEM AND WOMEN'S ACCESS TO LAND IN BIPARE AND KAFINAROU

Border area Between Northern Cameroon  
And the South West of Chad



**Babette Koulthoumi**  
**Master of Philosophy in Visual Culture Studies**  
**Department of Social Anthropology**  
**Faculty of Social Science**  
**University of Tromsø**  
**June 2008**

*THE CUSTOMARY LAND TENURE SYSTEM AND WOMEN'S  
ACCESS TO LAND IN BIPARE AND KAFINAROU  
Border area Between Northern Cameroon  
And the South West of Chad*

**Babette Koultchoumi**

*Master of Philosophy in Visual Culture Studies  
Department of Social Anthropology  
University of Tromsø  
June 2008*



## ***DEDICATION***

To my dear friend Ndoumin Maurice



## **ACKNOWLEDGEMENTS**

Most importantly to my supervisor: Bjørn Arntsen for his great contribution to the progress of my work and encouragement of my interest

To Bente Sundsvold, Peter I. Crawford, Trond Waage and Lisbet Høltedahl for their comments and suggestions during several Film and Text seminars

To Gary Kildea for his time and energy spent in reading and improving the English expressions

To my mother Elisabeth Tansouabe, Sogsirba Ruth and Moussa Kallam for their contribution in the production of this knowledge

To the Mambay community for their love and support. This gave me the strength to achieve this research

To the *Waa* Issa of Bipare and the Lawan Aoudou Ardo of Kafinarou, who allowed me to conduct this research project in their chiefdoms

To Ahmadou Mouadjamou for motivating my interests on this subject and for his moral support

To my friends and classmates: Tone Mette Yttergard, Tove Beate Jensen, Bamba Amadou, Fidessou Sylvestre, Nkeng Agbor Moses, Ndanga Dieudonne, Kodji Thomas, Terje Arntzen, Kjersti Mindeberg, Andre Ganava, Rachel Bale, Souleymane Diallo, Ronnie Smith, Sturla Pilskog, Jalila Hajji, Kristin Hammerås, Marie Eve LeDuc

To Line Vraaberg and Sverre Tvinnereim for the job they do for International Students

To the Norwegian State Loan Fund (Lånekassen) and the Sami Centre of the University of Tromsø for the financial support that made my studies here and my fieldwork possible



# TABLE OF CONTENTS

<i>DEDICATION</i> .....	iii
<i>ACKNOWLEDGEMENTS</i> .....	v
<i>TABLE OF CONTENTS</i> .....	vii
<i>TABLE OF MAPS AND FIGURES</i> .....	ix
<i>GLOSSARY</i> .....	ix
<i>ABSTRACT</i> .....	xv
Chapter 1 .....	1
CONTEXTUALISATION OF WOMEN’S LAND RIGHTS.....	1
1. 1 Women’s ownership of and access to land: a global issue? .....	2
1. 2 The Mambay people: the object of this research .....	4
1. 3 My film “Land is Food” and the text .....	5
1. 4 Research questions and assumptions .....	6
1. 5 The Outline of my Thesis .....	8
Chapter 2.....	9
METHODOLOGY AND THEORETICAL APPROACH.....	9
2. 1 Informants and methods of collecting data.....	9
2. 1. 1 Participant observation through the video camera.....	10
2. 1. 2 Knowledge - a negotiation between us and others.....	11
2. 1. 3 Camera as notebook.....	13
2. 2. Theoretical framework.....	13
2. 2. 1 Anthropological theory .....	14
2. 2. 2 Land-rights theories .....	15
2. 2. 3 Native conceptions of “woman” .....	16
Chapter 3.....	19
LAND HISTORY OF BIPARE AND KAFINAROU.....	19
3. 1 Historical background.....	19
3. 1. 1 Mambay people before the arrival of colonisers.....	19
3. 1. 2 Fulani presence in Kafinarou and Bipare.....	20
3. 1. 3 The German forces.....	21
3. 1. 4 The French presence in Bipare and Kafinarou .....	22
3. 2 Local land authorities: The Fada and the Lamido (Waa) .....	23
3. 3 The customary law and land users in older times .....	24
3. 3. 1 Traditional land organisation .....	24
3. 3. 2 Men and land.....	25
3. 3. 3 Foreigners’ land rights .....	26
3. 3. 4 “Women do not inherit land” .....	27
3. 3. 5 The exogamic nature of lineage as explication? .....	27



3. 4 National Land Tenure, a colonial heritage.....	28
Chapter 4.....	31
CHANGES IN LOCAL LAND TENURE, LAND SCARCITY AND WOMEN'S LAND RIGHTS .....	31
4. 1 Land is scarce in Bipare and Kafinarou .....	31
4. 1. 1 Incomers.....	32
4. 1. 2 The herbicides.....	33
4. 1. 3 Ownership in fewer hands .....	33
4. 2 Changes in local land regulation in Bipare and Kafinarou .....	34
4. 2. 1 <i>Waa</i> , the land manager.....	35
4. 2. 2 Land as a commodity .....	36
4. 3 Women's land rights and local land regulation .....	37
4. 3. 1 Women's usufructory land right .....	37
4. 3. 2 "Men own the fields, women own the crops" .....	38
Chapter 5.....	43
WOMEN'S STRATEGIES FOR ACCESSING LAND .....	43
5. 1 Women's access to land; socially negotiated.....	43
5. 1. 1 Her age helps a woman to own land .....	43
5. 1. 2 Unmarried women rely on their male kin .....	46
5. 2 Women's lineages: deficient as a means of access to land.....	46
5. 3 Cooperatives as a group strategy .....	49
5. 4 Individuals' strategies .....	50
5. 4. 1 Kinship and affinity .....	50
5. 4. 2 Church and Profession .....	54
Chapter 6 CONCLUSIONS .....	57
6. 1 Local land tenure loses ground .....	57
6. 2 Women's access to land negotiated through kinship .....	58
6. 3 Commodification increases women's access to land.....	59
6. 4 Access to markets .....	59
<i>References</i> .....	61

## **TABLE OF MAPS AND FIGURES**

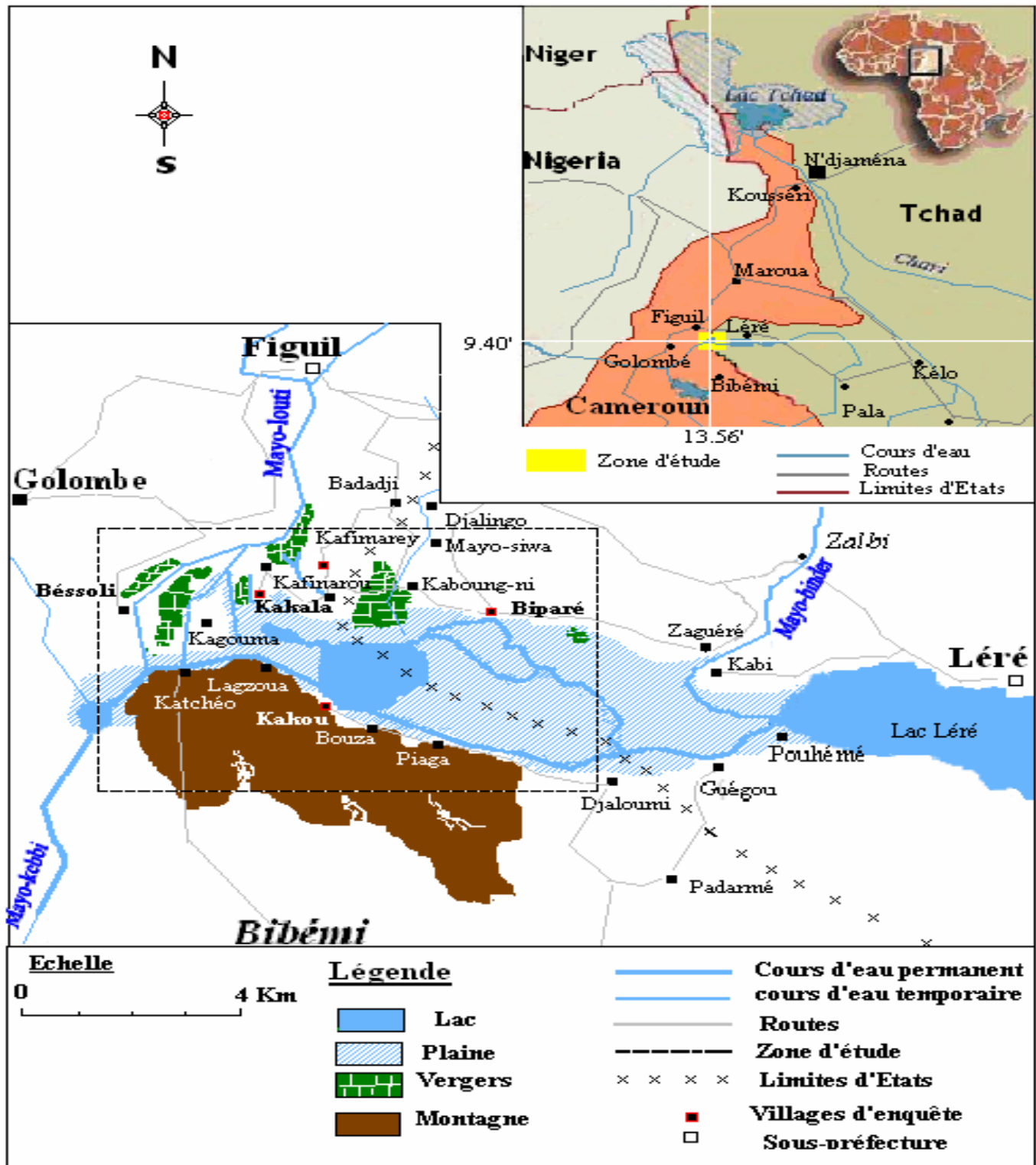
<b>Map 1</b>	Mambay's areas.....	xi
<b>Map 2</b>	Bipare's area, fields and natural resources.....	xii
<b>Figures 1</b>	Moussa's compound.....	40
<b>Figure 2</b>	Women "tools" to access land in Bipare and Kafinarou.....	48
<b>Figure 3</b>	A picture of Ruth in her beans field.....	51
<b>Figure 4</b>	Elisabeth asking for land.....	55

## **GLOSSARY**

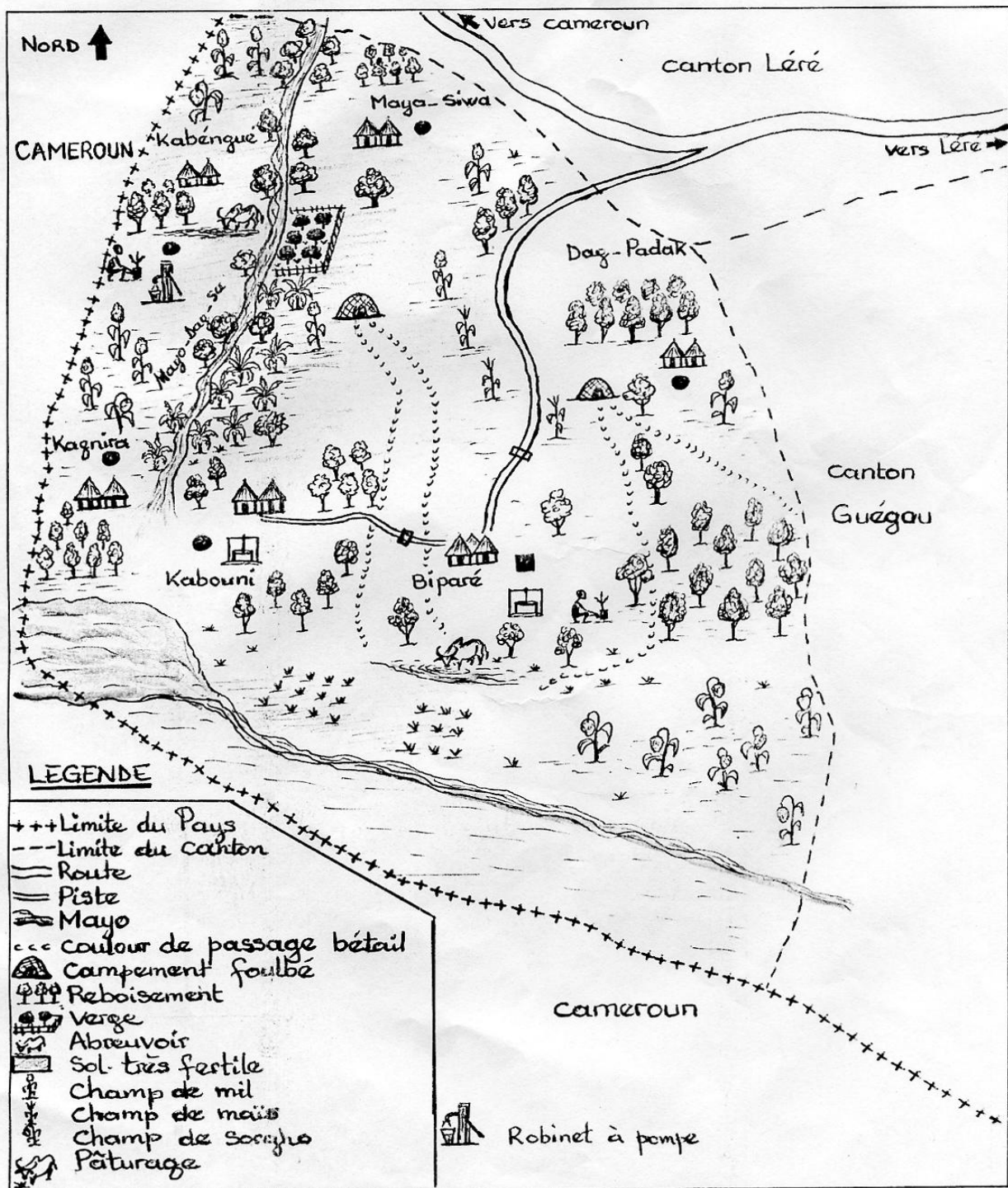
<i>ALkaali</i>	Judge
<i>Bonu Daawa</i>	Minister of Agriculture
<i>Djaouro</i>	He rules quarters with <i>Waa/ Lamido and Lawan</i> permission.
<i>Fada</i>	Lamido/Waa's staff
<i>Fulbeisation</i>	To adopt Fulbe culture
<i>Galdima</i>	Prime Minister of the Fada
<i>Immam</i>	Mister of the Mosque
<i>Islamisation</i>	To convert to Islam
<i>Kaygamma</i>	Minister of Foreign Affairs
<i>Kofa/Opha</i>	Protocol chief of staff
<i>Lamido</i>	Fulbe leader
<i>Lawan</i>	He rules small villages with the <i>Waa/Lamido</i> permission
<i>Lawan putchi</i>	Minister of Horses
<i>Maga-Takarda</i>	The Secretary
<i>Napuk Wuina</i>	A man
<i>Para</i>	Land
<i>Sarki Fada</i>	Minister in charge of the Fada
<i>Sarki Lebira</i>	Minister of Labour
<i>Sarki Pawa</i>	Minister of Bucher
<i>Sarki Sanu</i>	Minister of Livestock
<i>Sigro</i>	Earth
<i>Tchiroma</i>	A special Messenger to Yola
<i>Vina</i>	A woman
<i>Waa</i>	Mambay leader, It's an equivalent of <i>Lamido</i> in their speech
<i>Wakiili</i>	Messenger of Lamido



## MAMBAY'S AREAS



**Schéma d'aménagement du territoire cantonale de Biparé pour la base des  
Ressources Naturelles**



## *Details on the map of Bipare above on the basis of natural resources*

These maps and comments are presented in order to give a general impression of the research areas. The map above depicts some of the natural resources of Bipare and Kabouni where the farms of my characters Ruth and Elisabeth are situated. Elisabeth lives in Bipare whilst Ruth and her husband Moussa live in Kafinarou. The Chad part is included because the main farming activities take place in this area.

### *Limite du canton*

Bipare is situated on the border between Cameroon and Chad. People who live in Bipare (Chad) and Kafinarou (Cameroon) often have family and fields on both sides so they're constantly moving back and forth across the border.

### *Mayo (river) and verge (orchards)*

Mayo-dag-Sa loses its water during the dry season. The land on both river banks is used for orchard crops (mango, lemon and banana trees) because the soil there holds moisture in the dry season. The other big river at the bottom of the map is a ramification of Mayo-Kebbi and Mayo-Louti. In the dry season people make use of riverside areas for cultivation because of the fertile soil there.

### *Couloir de passage betails*

“Couloir de passage betail” is a route reserved for cattle. In the dry season, just after the harvest, Mbororo and Fulani herders arrive with their animals and their families in Bipare and Kafinarou. They depart when the rains come. This “couloir de passage” has been put in place to avoid conflict between farmers and herders. The route begins at the herders' camp (**campement foulbe**) and passes through the designated pastures (**Paturage**) before ending at the water troughs (**abreuvoir**).

### *Maize, millet, and sorghum*

Maize, millet and sorghum are the main cereals that are cultivated in Bipare and Kafinarou and they're the basic ingredients of the daily diet. Millet and maize are in the fields inside the villages. The sorghum is cultivated only on the riverside.



## ***ABSTRACT***

This paper presents and analyses data about women challenging customary land tenure arrangements as they strive to gain access to the farming land they need. The research was conducted in the Mambay community located in northern Cameroon on the border with Chad. The thesis examines just how rural women manage to get access to land despite the obstacles that customary land tenure system put in their way.

It's clear that 'customary' law is always in the process of adapting itself to modern economic conditions; to what is actually going on in the everyday lives of the tillers and the owners of land. Increasing land scarcity and the introduction of money into most local land transactions have transformed arable fields into high value commodities. These and many other changes have important repercussions for local land relations and feed back into the way the customary tenure system operates.

At the same time, women's husbands and father's lineages are no longer the only social spheres that predetermine their opportunities to access land. By making strategic use of money, as well as kinship and membership groups, women continue to redefine the arrangements that govern their access to farming land.

As a consequence of this we can observe certain social transformations, particularly concerning gender labour division and women's role in production and social reproduction.

**Key words:** *Customary land tenure system, Mambay community, women's access to land, land scarcity, pre-established spheres, lineages, gender labour division, social reproduction.*



# Chapter 1

## CONTEXTUALISATION OF WOMEN'S LAND RIGHTS

This is a study of women relationship to land in Bipare and Kafinarou. The study helps us to grasp women's strategies to access land in the context of the customary land tenure system.

*“Despite a resurgence of academic and policy interest in Africa's customary land tenure systems, the allocation and use of land resources within extended family groups, including the intergenerational dimensions, have received little attention in the last few decades” ( Julian Quan 2007: 51).*

It is in this context that I decided to focus on customary law and rural women's access to land. I was guided by the conviction that there were crucial intra-familial issues entailed in land access and tenure security issues as seen within the land allocations system as a whole. Furthermore, given rural women's crucial role in world agriculture, it seemed my results may well have some application beyond the research area.

This chapter contextualizes issues of women's land rights in respect of customary land tenure systems in general. In the first section I present the paradox which exists between women's lack of land ownership and women's major role in the global farming process. I raise also the paradox of the common understanding “women do not inherit land” alongside the fact that customary law can provide them with a kind of ownership through their husband, their father or their kin. It is from the starting point of these contradictions that we explore women's relationships with land through the main research question: How can it be that women do not have property rights in customary law but still have access to and ownership of land. The second section describes the Mambay people within the general research context. The third presents the relationships between the film “Land is Food” and the thesis. The fourth part sets out the research questions and assumptions.

## 1. 1 Women's ownership of and access to land: a global issue?

The issue of women's land rights in the World and particularly in Africa is a complex one, encompassing many contradictions.

The FAO Land Tenure Studies of 2002 presents a global picture of women heavily involved in farming but with few rights over the fields they till. According to FAO Land Tenure Studies, *“rural women in particular are responsible for half the world's food production and produce between 60 to 80 percent of basic foodstuffs”* (FAO 2002). This is quite a paradox.

Women in Africa are seen to have few rights in respect of land primarily because they do not traditionally inherit land. At the same time women are acknowledged as being responsible for 80% of the continents agricultural production (Zenebeworke Tadesse 2006). This anomaly points to a complex set of relationships between women, agricultural work and customary attitudes and land arrangements.

But then customary law is by no means straightforward: in Bipare and Kafinarou, for example, whilst tradition doesn't allow women to inherit land it does provide them certain protections by giving wives, under some circumstances, common rights to their husband's fields and ensuring a daughter's access to the land of her father as long as she remains unmarried.

The United Nations Human Rights Committee in 2003 adopted a resolution on women's equal access to property, land and decent housing (United Nations, Genève, 22th of April 2003). This reinforced resolution No. 42/1. During that meeting the Women's Condition Committee<sup>1</sup> urged member states to elaborate laws that would enable women to gain legal access to land property, decent housing, inheritance, and to promote women's access to loans, capital and technology. The committee reasserted the obligation of member states to tear down all forms of discrimination against women exerted by people, organisations and enterprises.

Among the fifty-three states that were present at that meeting, three (03) member states voted for: Australia, the United States and the United Kingdom, fourteen (14) abstained. Thirty-six (36) member states voted against, among them was Cameroon.

---

<sup>1</sup> This committee is responsible for women rights and condition. The resolution can be found in the documents referring to the 59<sup>th</sup> session of United Nation which place from the 17<sup>th</sup> of March to the 25<sup>th</sup> of April 2003. Member present this committee was: United States, United Kingdom, Mexico and Germany.

Two years later, on the 16<sup>th</sup> December, 2005, the president of Cameroon modified by decree the Cameroonian Land Regime. But this document made no mention of changes to the status of women vis-a-vis their access to land. On the contrary, the decree has strengthened aspects of customary law and further facilitated land holding by legal title. These provisions were insisted upon by the World Bank and IMF as one condition of an offer of aid (Independent Evaluation Office of the IMF, World Bank, March 12, 2007). And yet, one of the most significant aspects of modern African land reform is that states tend to legally reinforce key principles of traditional tenure regimes. Unregistered customary tenure, the main system of land rights in Africa, is commonly being recognized in policy initiatives and enshrined in Law (Tripp 2004).

The World Bank and the IMF, both big influences on African macroeconomic policies as well as on land policy, initially promoted land reform with a strong emphasis on individual ownership through registered freehold and titled land. For generations the economy and the exercise of political power in Cameroon, along with many other countries in Africa, Asia and South America, has been dependent on these institutions through their Structural Adjustment Programs. Of course, in order to secure assistance from the World Bank and the IMF such countries need to fulfill certain conditions. Reform of land management policy is among them. However, more recently, the financial institutions have backed away from discouraging land reform based on customary law as a way of promoting individual ownership. Nowadays the World Bank tends to see customary arrangements as less troublesome and simpler; a stage along the way towards full future privatization of land ownership through regimes of registration and titling.

According to women's advocacy movements in many countries of West Africa the eradication of customary land tenure practices is an important objective in the fight for the rights of women; for them to inherit, purchase, and own land in their own name. They are advocating rights-based systems that improve women's ability to buy, own, sell and obtain titles on land.

How then, might the everyday experiences of Bipare and Kafinarou women fit in with this general picture of women's land rights? Are their situations adequately represented by research from other areas and by the claims made by these West African women's movements?

## 1.2 The Mambay people: the object of this research

The Mambay as an ethnic group are not well known. This is probably because they're relatively few in number and haven't attracted much interest from social science researchers. Much of what has been written about the Mambay describes their origins as a distinct group. However, even on this point there's little unanimity among the various authors.

The origins of the Mambay have been described chiefly by Lestringant (1964), Eldridge Mohammadou (1982), and Jean Boulait (1984). According to Lestringant the Mambay were constituted at the beginning of the 19th century by the fusion of the Mundang and Fali people after they were driven out by the Fulani. Eldridge Mohammadou, by analysing the four main waves of "Mboum" migration after their exodus from Congola-Bornou discovered three main branches including the one called the Laka ramification. This was constituted by other sub-groups (Laka, Mundang, Dama) which followed the Benoue River, the Vina river and the Mbere, subsequently extending one of their ramifications from Kebbi to Fianga and Diamare. This last group of "Mbana" is the one from which the Mambay people are derived.

Even recent research (Koulandi 2006) made in the region only mentions the Mambay people as *"a group living in the border of Mayo-Kebbi River and Mayo-Louti (East of the town of Figuil)"* P xix. They were, in ancient times, fishermen. It was the influence of German colonists along with the growing scarcity of fish that led them to become tillers.

I conducted my fieldwork in Kafinarou and in Bipare. These villages are familiar to me since I'm a native of the area. Before going to the field my project proposal was to study women's vulnerability to increasing land scarcity and discriminatory land law. I was interested to know about the real life consequences for women of their limited access to farm plots around Kafinarou and Bipare. Bipare and Kafinarou as the Mambay villages of my enquiry, sit on the border between northern Cameroon and South-West of Chad.

Today, many other outside ethnic groups attracted by the fertile soil and changes in the way land is managed are now living in Bipare and Kafinarou. The presence of these immigrant groups has created fierce competition for land such that people now need money to gain access to a farm plot. Thus pressure of population and changes to the law are factors that explain the recent land scarcity which is making farming activity and access to land precarious for all Mambay people.

### 1. 3 My film “Land is Food” and the text

The film and the text are, of course, quite different kinds of representation raising different expectations for filmmakers/writers as well as for viewers/ readers. And yet in some ways the two forms are complementary.

My film “Land is Food” is a portrait of Ruth, her husband Moussa and the midwife Elisabeth representing, in a way, the farming people of Bipare and Kafinarou. The film aims to analyse, through the everyday lives of those three characters, certain aspects of local society such as changes in customary land regulation and the population pressure which is making access to land increasingly precarious. The film draws attention to the daily lives of female farmers caught up in a process of profound social change: land as common property becoming land as marketable commodity.

“Land is Food” presents a wide variety of scenes: Ruth giving birth, bathing the baby, cooking in her compound, Moussa telling of his lack of land, Elisabeth negotiating a price with the ploughman, at work in the health clinic, petitioning to keep her rights to her field, etc. Together these sequences allow the film to set off in a direction quite different from the one the text takes. They put the viewer in direct contact with the fears, happiness, struggles and hopes of each of the characters depicted. MacDougall (2006) in his essay “New Principle of Visual Anthropology” says that:

*“Cinematic narrative techniques allow us to follow sequences of events and the processes of conflicting social forces that accompany them. Film is also well situated to expressing the unique individuality of human beings through their faces, gestures, postures, speech and interactions with others.”* P. 272

My aim with the written work is very different to what I expect of my film; naturally enough, the pen and the camera are very different tools. In my thesis I am using concepts, theoretical approaches, research questions, assumptions etc. to examine the subject: women’s access to land in the context of customary land tenure. The aim of the text is to go beyond facts like the fragile health of a woman who just gave birth and even relevant social facts like land scarcity and population pressure, all covered by the film. My written work aims to analyse in detail just how women negotiate their access to land in relation to the sensuous social world represented in the film.

However, making the film has helped me take into consideration just how an abstract social fact like ‘land scarcity’ is integrated in the everyday lives of social actors. The contextualisation offered by the film out of its own way of knowing lead us to a deeper understanding of what the text offers out of its own particular way.

Despite the complementarity between an ethnographic text and a companion ethnographic film we should keep in mind that they are essentially each arts of their own kind with different modes of expression and their own specificity.

*“Each art has its own peculiar and untranslatable charm; its own special mode of reaching the imagination, its own special responsibilities to its material”* (Walter Pater 1873).

According to MacDougall (2006; 1998): *“The kinds of knowledge we gain from images and texts may have to be approached in quite different ways... Images and written texts not only tell us things differently, they tell us different things”*.

## **1. 4 Research questions and assumptions**

My research into women’s disadvantage under customary land tenure, described by many authors (Tripp 2004; Zenebeworke Tadesse 2005) combined with my own experience and observations (the case of Bipare and Kafinarou) led me to see that the issue of Bipare women’s land rights was actually quite complex and nuanced. Some have ownership and some do not. And among the women I worked with there was not one who was prevented from tilling due to the lack of a field. They have many ways to go about accessing to land.

“The Customary Land Tenure System and Women’s Access to Land in Bipare and Kafinarou” was chosen as my research topic after discussions I’d had during and after a meeting between me and a group of women of the Soufari cooperative. Their main agenda item had been when to sell the maize they harvested last year in order to buy more fertilizers and weed killers for a field they’d been allocated by the *Waa Issa* (Mambay’s paramount Chief). I asked them directly if women could, in fact, own land. They answered all at the same time *“Yes!”* They repeated themselves, surprised by my question, *“Yes, women can have their own land, we, here, we have our own land”* they said, smiling at me.

After this discussion I started to look at things differently in the field. The precariousness of women’s access to land, per se, was no longer my preoccupation. My focus was further

sharpened by answers to similar questions that I got from Elisabeth and Ruth (my main characters): *“Is it a problem”* I asked. *“that women don’t have their own land?”* Elisabeth answered: *“Women in Bipare are not so much facing a problem of land access; there is land available for cultivation. The bigger problem that we, the women of Bipare, are facing is access to money; to markets. We just don’t have a large enough market handy where we can sell our crops after harvesting...”* And, according to Ruth, *“Well, it’s not easy to access land in Kafinarou in general. But we, the local peasants, we have our ways of seeking out plots and arranging to use them.”*

I will not focus on the issue of why women are unable to get access to adequate markets for their produce. My main preoccupation is to show that, notwithstanding claims that “women do not inherit land” or that customary law makes things difficult for them, they nevertheless do have their means. Women do not inherit land yet they do access it and can even gain ownership of it.

**How can it be that women do not have property rights as far as customary law is concerned but can still have both access to and ownership of land?**

In order to discuss these questions, I will present the following assumptions:

- Customary law is losing ground as the main way of regulating ownership of and access to land in Bipare and Kafinarou.
- To an increasing extent land is becoming a marketable commodity.

This leads me to the following sub questions:

**1 - What are the consequences of these changes to women’s land access and land use patterns?**

Literature on women and land tenure in Africa has viewed the introduction of land titling, registration and the privatization of land under colonialism and after independence as a setback for women, leaving women in a state of even greater insecurity with poorer prospects for accessing land and hence obtaining a livelihood (Tripp 2004).

**2 -To what extent is the privatization of land ownership through the use of money in land transactions a setback for women in Bipare and Kafinarou?**

## 1. 5 The Outline of my Thesis

This dissertation on women's access to land in relation to customary land tenure in Bipare and Kafinarou is structured as six chapters. The second chapter deals with methodology and theories. The methodology section explains the use of participant observation through video camera. The second part focuses on the fruitful reaction of my informants in front of the video camera and me; it reveals the nature of the negotiation between researcher and informants in the very process of knowledge production. The third part deals with the role of the camera; the way it faithfully records key social situations relevant to and useful for my analyses. The theoretical part discusses anthropological theories around kinship and actors' perspectives by way of grasping how family connections can be negotiated by women in their quest for soil to till.

An historical background is given in Chapter Three. We look at ancient customary land tenure systems and then at the three colonials regimes, Fulani, German and French which all left their mark on local land institutions. Finally, de facto land regulation is shown to emerge from the interactions between powerful institutions and the 'room-for-manoeuvre' factors informally negotiated by farmers as they strive for the control they need over the land's resources.

Factors that are bringing about change in customary land tenure in Kafinarou and Bipare are the main focus of Chapter Four. The first part discusses land scarcities itself, the main manifestation of change through which people perceive the overall systemic shifts. The second section deals with the redefinition of traditional laws by the *Waa*, as primary land manager. The third part deals with women's legitimate land rights - despite the fact that they do not own land.

Chapter Five presents women's strategies, as individuals and as collectives, in the context of regulatory changes in Bipare and Kafinarou. The focus is on new ways that women have found independent of the pre-established spheres centered on husbands or fathers. We see that the conjugal unit now needs to be understood in the context of wider social networks based on kin, on status and social standing and on various membership groups; ways that women have found to get the fields they need to farm.



## **Chapter 2**

### **METHODOLOGY AND THEORETICAL APPROACH**

In this chapter I present the methods used to collect data in the field and discuss the analytical tools I've employed. Participant observation, including the extensive use of video recording, has been my principal methodology. This approach entails complex and ongoing negotiations between the researcher and her informants throughout the process of 'knowledge production'. The audio-visual tools have been deployed in such a way that the final work can be recognised as a co-production between those in front of the lens and the researcher behind. Barth's actors' perspective and Radcliffe-Brown's perception of kinship are used as frames for looking at the strategies local women have devised to gain access to the land they need to fulfil their role as farmers. Applying native perceptions of gender to a study of the way women's land rights are negotiated in and between households has been another useful analytical tool.

#### **2. 1 Informants and methods of collecting data**

After arriving in the field in April 2007, I went directly to Kafinarou. Initially my main concern was how to choose a family who would be suitable for my enquiry and whose members would agree to act as my main informants and characters in the film. After more than a week of looking I came across Moussa. I'd met him in the chief's house during my previous fieldwork in Kafinarou back in 2005. I remembered that he was short of land since that was the issue he'd been consulting the chief about on that occasion. It seemed that he might be a suitable candidate. The following day I went to his house to get to know his family and explain that I hoped to work with his wife, Ruth, as the main character of my film. I could see that her situation could be quite relevant for me given Moussa's own lack of land and the fact that women usually rely on what their husbands give them.

Over some days I followed Ruth in her daily activities including her farming work. My decision to go ahead with this family was confirmed when Moussa explained to me that previously, a couple months before, he'd had a conflict with his neighbour over land. As a result of this the chief had impounded Moussa's land and he'd been forced to pay money to get it back.

If it's difficult enough for a husband to hold on to his farming land, how much harder might the wife's situation be given that she generally gains access to the land she tills through her husband. This was the thought that stayed in mind as I began working with Moussa's household as informants and characters.

As it happened, Ruth was pregnant at the time I met her. She was often visiting the hospital for ante-natal checkups. These frequent meetings of Ruth with her midwife, Elisabeth Tansouabe (who happens to be my mother), led me to decide to include Elisabeth as my second major character. She lives in Bipare. That's the reason the research ended up being conducted in both Bipare and Kafinarou.

My choice to include Elisabeth also enabled me to look at land access issues from the single female's perspective. Moussa, Ruth, and Elisabeth are the main characters in the film but also my main source of data for the thesis. I did study many other households and groups to collect more general data. Immigrant women, women of Soufari (a mostly Muslim cooperative) and women of the Fraternal Lutheran Church of Kafinarou, for example, were all important sources.

### **2. 1. 1 Participant observation through the video camera**

The participant observation method as presented by James Spradley (1980) informed my fieldwork. However the application of this approach was influenced by my status as an outsider/insider of the particular research community. To the extent that I was an outsider (raised outside the milieu and returning as a student to conduct social science research) I set about my 'participant observation' by getting involved in my informants' daily activities: in the fields; at the clinic; in their compounds and in many and various social situations. In doing so I was following James Spradley's (1980) principles of participant observation: *"In doing participant observation you will locate yourself in some place; you will watch actors of one sort or another and become involved with them; you will observe and participate in activities."* P.39

From an ethnographer's point of view, I learnt a lot about my informants' culture by observing and participating in daily activities and this also enabled me to get a thorough understanding of the patterns in their everyday life:

*"Ethnographers do not merely make observations; they also participate. Participation allows you to experience activities directly, to get the feel of what events are like, and to record your*

*own perceptions. At the same time, the ethnographer can hardly ever become a complete participant in social situations.”* (Spradley 1980: 40)

As well as being an ethnographer I am also an insider. I am a native Mambay and a member of this community because my grandparents and my mother belong and live in this community. As an insider, I have background knowledge of the community which means that I do not “*begin participant observation by observing and recording activities in social situations*” as Spradley advises us to do (1980:42). When I began my participant observation I was already familiar with the milieu and aware of the “*structure of the events*”. Being an insider/outsider facilitated my research by opening many doors for me for data collection. However it also put a lot of pressure on me. It made me aware of the importance of positioning myself correctly in the field. It also helped me to be aware of my informants’ expectations.

All ethnographers have the insider/outsider experience to differing degrees when doing participant observation by putting a distance between them and their objects of the study. “*Doing ethnographic fieldwork involves alternating between the insider and the outsider experience, and having both simultaneously*”. (Spradley 1980:57)

## **2. 1. 2 Knowledge - a negotiation between us and others**

I start this part by outlining the circumstances in which I present my findings in accordance with Altern and Høltedahl (2000) that: “*In terms of methodology, it is an elementary requirement that, as researchers, we outline for our readers the circumstances in which the knowledge we are presenting was produced.*” P.35

The Mambay are the people of interest to this study and the fact that I have a mother and grandparents living in the area facilitated my fieldwork. Being known by my informants and being familiar with the research areas through visits and previous fieldwork made connections with people and analysis of certain social situations easier. I was considered by people as “their daughter”. That gave me opportunities to meet and to organize some conversations with the chief and the traditional land authorities. I had general knowledge of the social and cultural background of the people living in my research areas and this enabled me to compare known patterns of culture common to the group. Being a member of this community also helped me to

achieve a certain intimacy with my main characters, something, I believe, that comes across in the film “Land is Food”.

Being a “daughter” of the community put pressure on me as far as my demeanour and the content of my research was concerned. There was a constant negotiation going on between “my people”, who were very aware of my status as a student doing research, as it were, ‘for’ western society. That is, they were quite conscious of me as an educated Mambay girl. In my research areas people think that school based education transforms girls by making them disrespectful towards traditional values and towards people. It is with these ideas in mind that my informants were judging my attitude in the field. They were, in a sense, studying me at the same time that I was studying them.

By seeing me in the field with my video camera my informants were clear about my mission: to represent their life to “*Tinasha*”<sup>2</sup>. “*They asked you to come here and film what we have, and how we look like!*” they used to say. They were keen to get involved and to offer advice. They were regularly reminding me what would be good to include in the film and they were happy to watch what was happening through the LCD screen.

Their intention was probably to show me how they could be represented in a “better way”. Very often, they wanted me to film particulars events which had special meaning for them. To please them and to show that my presence in the village was not only in pursuit of my own interests, I tried to attend and take photographs at all important events such as baptisms, marriages, services of the Pastor and the catechist, general assemblies of the ethnic group, etc.

The various interventions of my informants in my research project helped me appreciate the crucial role they really should play in the production of such knowledge. I was able to form a better idea of the local world view and this led me to regard the native perception of their own milieu as the cornerstone of my analysis.

Anthropology has been conceived of as implying a certain relationship between observers and observed Mariza G. S. Peirano (1998). Between these negotiations, we “*identify how we and others behave as situated actors, having to deal with relationships, values, interests and self-perceptions*” (Altern and Holtedahl 2000).

---

<sup>2</sup> “White man”, referring to western society

### **2. 1. 3 Camera as notebook**

The video camera was used as a notebook. I mean as a kind of ‘memory’ for the film and for the thesis. Social situations were recorded to be analysed and understood later on. When I say the camera was used as a kind of memory in the field, I mean that I sometimes rewound and replayed tapes in order to remind me about details that I was not fully aware of while filming. Those details were sometimes a section of speech, a word, an action or even just a fragment of body language. Several times those details helped me decide what to film next and what questions to ask; questions relevant to the film or to the thesis. Those details helped me to link different behaviours to different arenas and to some social patterns in the field which were not obvious in the absence of the camera.

Many interviews or conversations were recorded to grasp what I could not get just by observing people acting around me. Most of those questions were written down but some of them were improvised in response to conversation. The camera interviews were intended to contextualise people’s everyday lives; to establish by conversation aspects of life which cannot be grasped by observation alone. Other interviews had a more historical focus. But in all cases, the camera permitted me to record gestures and details relevant for analysis but otherwise liable to be forgotten.

In addition, the editing process helped me to link various quite different social situations in such a way that cultural patterns emerged. This assisted in grasping the meaning of some of the farmer’s actions and choices.

Methodology, then, concerns the ways we apprehend things as we build our understandings and also the kinds of critiques we apply to our various sources so that our representations are reliable. Theories are the analytic tools we bring to the task.

## **2. 2. Theoretical framework**

In this part I present the analytical tools that I used for the discussion throughout this text. Radcliffe-Brown’s and Barth’s perceptions, respectively, of kinship and actor’s perspectives will be outlined as tools that I’ve used. These have been useful in looking at the links women make between lineages and the various strategic choices they make. To extend the analysis, native definitions of the meaning of “man” and “woman” are also employed.

## 2. 2. 1 Anthropological theory

In order to understand women's relationship to land ownership in Kafinarou and in Bipare I analysed the claim that "women do not inherit land". I looked at how inheritance is organized within lineages using the "kinship system" concept of Radcliffe-Brown. I also studied the concept of "status set" related to Barth's actor oriented perspective. Inheritance has been the main way to get access to land in rural societies. In order to understand the persistence of the land transfer system by inheritance I have focused on the ways in which the kinship system is utilized.

For Barth, actors interacting are making rational choices based on values and they are influenced by structural and ecological limitations. Looking at how regularities are generated through choices influenced by constraints is not sufficient to understand how women in Bipare and Kafinarou are navigating the social system. I need to find:

*"...the ways in which members of a society organize their activity through the definition of situations. Thereby, we capture both the crucial aspects of social organisation, viz. both the social structures and the jobs they do".*

The consequence is that kinship can be negotiated in accordance with norms and aspirations. The meaning of "kinship system" (short for 'system of kinship and affinity') was used initially by Radcliffe-Brown and cited by Dumont (2006)

*"...to denote the pattern of social usages observed in the reciprocal behaviour of persons who are, or who are regarded as being, related by kinship and affinity" p7.*

Radcliffe-Brown refers to the kinship system as:

*"a structural notion of the interdependence of kinship traits... whenever we speak of a kinship system, we are asserting in brief that it is legitimate to isolate such a system from the total society in such a way that the elements within the system will be taken as interdependent with one another, but not with those outside it".*

Contrary to the views of Radcliffe-Brown 'kinship' does not necessarily denote an isolated system. Its boundaries are always negotiated through the way external facts or persons can be integrated into the system whilst remaining related to the outside. The blood or biological realities that define kinship and dictate inheritance are negotiable. People outside kinship boundaries can inherit land through friendship, membership and marriage. The negotiation is more obvious

when women go outside their husbands' or fathers' lineage and deploy their repertoire of statuses and affinities to get land in other lineages.

Not only does kinship thoroughly map how individual women move about in order to cope, to put it in Barth's terms. Land rights structures are an important part of the constraints which women in Kafinarou and Bipare face in their negotiation to get access to land.

The privatisation of land rights can be usefully explored by looking at individual strategies to access land. But to frame the topic these cases need to be seen in the light of Etienne Le Roy (1996), and Ch. Seignobos (1997)

## **2. 2. 2 Land-rights theories**

Etienne Le Roy (1996) asserts that it's necessary to study land rights in Sub-Saharan Africa in the context of them being in transition between common property (customary law) and private property instituted under colonial rule and post-colonial ideologies. According to the author, these rights, whilst still framed by customary law are, nevertheless, influenced by concepts of individual property achieved through cash purchases and the spread of individual property ownership in villages. As Le Roy (1996) puts it, "*lands rights in Sub-Saharan Africa are dynamic*". It is in the context of this dynamic that I analyse women's land rights in the customary land tenure system in an attempt to understand how it can be that women do not have property rights under customary law while still having both access to and ownership of land.

According to Ch. Seignobos (1997) the dynamics of land rights in a social group has to be framed by considering the reality of land as "*the projection of the social organisation of the group onto the soil*" (My translation). The way land is used and organized is indicative of a given society. The relationship of women to land is, then, an expression of the social system in Bipare and Kafinarou. The various strategies women use in looking for land, seen in the context of Seignobos's frame of reference, allow me to uncover some of the workings of the social organisation as I examine the dynamics of women's land rights. The way these are defined reflects the overall culture of the group.

### 2. 2. 3 Native conceptions of “woman”

The different theoretical positions within feminist anthropology are best demonstrated through a consideration of the debate which dominates the subject: is sexual asymmetry universal or not? In other words, are women always subordinate to men? (Moore 1988).

The anthropological approach to the study of gender approaches the topic from two different perspectives. Gender may be seen either as a symbolic construction (Ortner 1974) or as a social relationship (Leacock 1978). The first perspective views the universality of women's subordination through the perspective of the symbolic valuations given to women and men in any society. The second perspective does not view women's subordination as universal. It tends to approach the problem of gender relations through a consideration of what women and men do. They are usually concerned with more sociological explanations of gender: gender as a social relationship.

Here I am not discussing the relevance or the limits of those two perspectives. I am interested to present the general anthropological debate going on around the concept of gender in order to understand how Mambay people define what is “woman” and what is “man” without favouring one of those perspectives. I am using both as “mirrors” that are not mutually exclusive.

The anthropologic implies considering the native point of view and it is my intention to take into account Mambay definitions and perceptions of gender categories. How local understandings of “woman” are applied and thus determine the position and status of women varies, of course, from culture to culture and from time to time.

In Mambay society we have three ways of defining “woman” and “man”. For women we have *Bik vina* for a female who is still too young to marry; *Bik koulla* for women of marriageable age whilst *Vina* refers to a married female. Men are categorised similarly by marital status and age: *Bik wuina*, *Bik nakemra* and *Na poug wuina*. It is impossible to get an idea of an individual woman's powers to access land without reference to her marital status and/or her status within her parental household.

I asked Elisabeth, one of my main informants and characters, why women cannot own land and she answered as follows: “*Vina ig fari yo, siketti zom na poug wuina tom. Vina ig wuina yo*”. This can be translated as “*Women cannot own land because the female was created by God after the male ... women and lands are man's property*”. She added, by way of clarification, that:



*“because a woman is a “man’s property” the man has to take care of her by providing her food. And to accomplish that, he needs land”.*

A reading of native concepts helps us understand that gender definitions are, in fact, closely tied to marital status and age. The household establishment represents the progression of a woman’s status from “*Bik vina*” to “*Vina*”. Marriage represents the rite of passage to complete “female” status and at the same time confers land rights on women. A woman’s relationship to land begins in her father’s house as a girl (*Bik vina*) and ends in her husband’s family as a wife (*Vina*).

Whilst the transition from girl to woman is, of course, a matter of ageing, the fact that ‘womanhood’ is culturally accomplished in the household illuminates some relevant concepts of power and gender. Women do not inherit land from fathers. Rather, the established principle of co-ownership between husband and wife is the basis on which women’s duties and rights in respect of land are negotiated. The concept of gender and power put together with the native’s conception of gender remains useful in focusing on a kind of relationship that is socially constructed and thus possible to change and in no way “natural”. In households power is often defined as control over resources. Power is not something that is simply held. It implies a relationship and one party can promote its own perceived interests within that relationship (Schlyter 1996). This framework of power and gender definitions will help me see how women of Bipare and Kafinarou are negotiating their land rights inside and outside the household.

To sum up this chapter it’s important to keep in mind that beyond our tools of ethnographic data collection: participant observation; video recordings; interviews; photos; maps etc., the most profound methodological issues are to do with the relationships we negotiate along the way. During fieldwork, of course, the crucial ones are the contracts we make with our various informants. But also, later, as we write-up our texts and construct our films we are negotiating implicitly with our imagined readers and viewers about knowledge itself. It’s these relationships, taken together, which form the foundations of our research work.



## **Chapter 3**

### **LAND HISTORY OF BIPARE AND KAFINAROU**

This chapter presents the historical background to the social and political aspects of Mambay land access and management systems. The Mambay community felt the pressure of the three main colonial forces present in northern Cameroon from the beginning of the 19<sup>th</sup> century until the end of the First World War: the Fulani, the Germans and later on the French. While the first two maintained a direct presence in the area, the French administrators stayed in Lere (Chad) and Golombe. They were represented in Bipare and Kafinarou through traditional authorities whom they chose and put in place.

#### **3. 1 Historical background**

Mambay people have always referred to their past by taking into consideration their contact with the Fulani, German and French colonial regimes.

##### **3. 1. 1 Mambay people before the arrival of colonisers**

As I noted previously, not much has been written on the Mambay people. For that reason my main source of information about the historical background of the area has been from my interviews with Mr. Paul Balery.

This former farmer was born in Kaboung-ny in 1933. He is married to Zaahale Rachel (68years old) who gave him ten children. Paul Balery is an old man who has never been to school but who speaks, reads and writes French and German languages. This might be explained by the fact that his father worked for the colonial authorities. He is well known and respected in the Mambay community and often consulted by people who desire to have some relevant information about Mambay history. Paul Balery is also the chief's counsellor and an elder in the Fraternal Lutheran Church of Kaboung-ny.

The ancient history of the Mambay people seems to be lost. When I asked Paul Balery to tell me how his people were organised before the arrival of the Fulani and the Germans, he found it difficult to refer to the past for more than a few minutes without again making mention of their contact with the Fulani. The main thing that seems clear in his mind is that:

*“Before the arrival of the Fulani people, the ancestors were animists. These ancestors were farmers and they were devoted to a specific tree God called Nifu. Nifu used to receive regular prayers and gifts from the farmers for blessings. During the general rituals the chief of the community was equal to the other people. To show respect to Nifu the chief of the community went into the bush on foot (he left his horses at home) and without shoes.”*

He doesn't elaborate on this story but even from this small fragment one can understand that prior to the arrival of colonial regimes Mambay people were agriculturalists whose activities and world view was organised around rituals devoted to their god *NiFu*. And that in front of *Nifu* all people were regarded as equal. This last fact suggests that the authority of the chief may well have been legitimised by *Nifu*. But Mambay contact with Fulani seems to have changed the basis of their social system.

### **3. 1. 2 Fulani presence in Kafinarou and Bipare**

The Fulani people arrived in these areas during the period of Jihad from Hausaland at the beginning of the 19<sup>th</sup> century.

The Fulani system was inspired by the Bornou system of Hausaland in Northern Nigeria, specifically Iola. Their main objective was to impose Islam on non-Muslim societies. Thus, the chief impact on the Mambay of their contact with Fulani was their “islamization”. More than eighty percent of the Mambay community today is Muslim. The Fulani political system was centralised around the ***Lamido*** authority and his notables forming what it is called ***Fada*** (see **3. 2 of this chapter**). The establishment in this area of such a system was a consequence of the way things were organised in Hausaland.

While the Fulani were with the Hausa in Hausaland in the North of Nigeria, as being the most orthodox of Muslims, they resented the superficiality of Islam as practiced among the Hausa. They stood at the forefront of the movement for religious reform.

This religious conviction, as it did in other places, led to the Fulani launching a revolt in the form of a Jihad (holy war) in the early nineteenth century. However, in Hausaland, in contrast to every other place, the Fulani Jihad was begun by urbanised Fulani, those who'd already absorbed much of the local non-Fulani culture.

In fact, the dislocation between Hausa and Fulani clan leaders occurred because, the Hausa king imposed upon Fulani the restriction on the use of water sources and penalties for grazing on arable land (Dahaven King 2001). As a result, these clan leaders often seized the opportunity to rise in sympathy with the shehu (a group who was against Hausa also), to fight their own “holy war” against their Hausa host, and emerge as local emirs within what became the Sokoto Caliphate.

In fact, the dislocation between the Hausa and Fulani clan leaders occurred because the Hausa king imposed upon the Fulani restrictions on the use of water sources and penalties for grazing on arable land (Dahaven King 2001). As a result clan leaders often seized the opportunity to rise in sympathy with the Shehu (another group opposed to the Hausa) as a way to fight their own “holy war” against their Hausa hosts and thus to emerge as local emirs within what became the Sokoto Caliphate.

One such instance of this occurred in western Hausaland in the principality of Zabarma in Northern Kebbi near to Mambay settlements. Mambayland, situated on the border with the Mayo Kebbi, thus became directly implicated in the Fulani “holy war”. This, then, may well be the origin of Fulani contact with the Mambay and explain how the political system of the chiefdom of Bipare came to reflect that of the Fulani and how the ways that land is managed became influenced by the ways of the colonial overlords. The arrival later of a German administration had the effect of intensifying aspects of the Fulani approach to ruling over the villages that they’d annexed. But their main impact is the fragmentation of Mambayland.

### **3. 1. 3 The German forces**

Before the arrival of German officers and Fulani overlords, Mambayland was powerful among the chiefdoms of the region. As I was told by my informant Paul Balery, there were four other powerful local chiefdoms: the one called MBororo in the Figuil area, the Moundang, centred on Lere, and two Fulani chiefdoms based in Bibemi and Golombe. But there was little in the way of peaceful relations existing between those four chiefdoms and the Mambay chiefdom centred in Bipare.

The first contact between Germany and Cameroon occurred in 1884. The colonial administration established itself progressively from the South to the North. In the northern part of Cameroon,

Mora and Garoua were principal German strongholds. Their base camp in the Northern Province of Cameroon called Garoua was not far from the five chiefdoms. The Fulani, at first, resisted the German authorities, but this lasted only a short time because they realised that the presence of the Germans could help them to expand their hegemony over non-Muslim societies. At the same time the Germans were looking for interpreters and for mediators to make their work of administration easier. They worked in collaboration to achieve their common aim of control over the rebels' villages (Pontie 1984). The Mambay chiefdom was considered rebellious not only by the other chiefdoms but also by Germans and the Fulani.

Mambayland was ruled by German colonists together with Fulani functionaries until the start of the First World War (Paul Balery). Under German governance Mambayland was divided into four parts and each one given over to one of the other powerful chiefdoms in the areas which had allied themselves with the colonial authorities. Mambayland was, then, shared out between Golombe's Chiefdom (actually the Mayo-Louti subdivision ruled by a Fulani chief), Lere's Chiefdom (the Mayo Kebbi subdivision in Chad ruled by a Moundang chief), Mbororo's Chiefdom (Figuil ruled by a Mbororo chief) and Bibemi's Chiefdom (ruled by Fulani chief).

However, because Bipare was always considered the main Mambay chiefdom before the German partition, it is still seen that way by the people. The Bipare' chief goes by the name *Waa* (paramount chief) and has power over all the Mambay including the lesser chiefdoms. **(See the Map on page ii)**

### **3. 1. 4 The French presence in Bipare and Kafinarou**

In French-speaking regions the colonial power was organised to assert its power through local authorities. Political chieftaincies (villages and cantons) were created where they had not previously existed, regional chieftaincies were remodelled. Laws paid only lip service to customary rights (Lavigne Delville 2007). The main impact of the French on local societies was through the introduction of land taxes and the reinforcement of the power of traditional rulers.

From the presence of the Fulani, the Germans and French in the research area, then, one can see that customary laws have been heavily influenced by co-existing with systems based on quite different principles. These influences have had profound implications for the trajectory of change

in local land relations and their adaptations. In Bipare and Kafinarou, the actual political system of land management seems to have been built upon the remains of a Fulani system.

### 3. 2 Local land authorities: The *Fada* and the *Lamido* (*Waa*)

As I've said, the main impact of the Fulani on ancient Mambayland is reflected in the fact that today 80% of Mambay are Muslim and their political system is the model of Fulani's administration. Consequently, land management practices have been influenced by Fulani and Muslim culture as has, of course, the overall political system, including the reinforcement of the power of local rulers. The Fulani system is centralised around a paramount chief called *Lamido* with a government organisation called *fada* as described by Eldridge Mohammadou (1981):

The **Lamido** corresponds to **Waa** in Mambay language.

The *Fada* is constituted by:

<b>Galdima</b>	Prime Minister of the Fada
<b>Immam</b>	Master of the Mosque
<b>Alkaali</b>	Judge
<b>Kaygamma</b>	Minister of Foreign Affairs
<b>Kofa/Opha</b>	Protocol chief of staff
<b>Bonu Daawa</b>	Minister of Agriculture
<b>Lawan putchi</b>	Minister of Horses
<b>Maga-Takarda</b>	The Secretary
<b>Sarki Fada</b>	Minister in charge of the Fada
<b>Sarki Lebira</b>	Minister of Labour
<b>Sarki Pawa</b>	Minister of Butchery
<b>Sarki Sanu</b>	Minister of Livestock
<b>Tchiroma</b>	A special Messenger to Yola
<b>Wakiili</b>	Messenger of Lamido

A system much like this is still in operation today. In addition to the *Waa* and *Fada* we have the *Lawan* in charge of small villages. We also have the *Djaouro* who rules over town quarters. The *Lawan*, the *Bonu* and the *Djaouro* are the main collaborators of the chief when it comes to land management.

An appreciation of those traditional roles will help us understand more recent changes in land management as described in Chapter four. But before that we will look at how customary land tenure worked previously.

### **3. 3 The customary law and land users in older times**

This section presents the different actors involved in land use and how land was considered and managed before the actual changes in the customary land tenure system of Bipare and Kafinarou.

#### **3. 3. 1 Traditional land organisation**

In the Northern part of Cameroon in general Fulani culture is assimilated as a Muslim culture built upon Islamic principles. In people's everyday discussions, it seems that there is little demarcation between Fulani culture and Islamic culture; maybe because there seems to be no Fulani who are not Muslim. In any case, the customary land system of Bipare and Kafinarou though inspired by Fulani principles has elements within its system of rights which have nothing to do with Koranic notions. Many of its provisions reveal a history of cohabitation of cultures. One could talk about a hybrid land rights system part Mambay and part Islamic.

According to Islam, for example, in households women and men have equal rights to land tenure and property ownership (Qvist 1998). Cox and Magel (2002) show how Islamic law works in detail as far as land inheritance within a household is concerned:

*“Under Islamic law, for example, daughters may receive half the land that sons receive on the death of their father. This is in effect their dowry to bring to a marriage. The sons on the other hand have the responsibility to provide for unmarried sisters and their mother and in theory require more land”.* p. 15

This is not, at all, what happens in the research area even though the culture is built on Islam principles. Nevertheless, at some level, customary land practices in Bipare and Kafinarou do reflect some Islamic principles.

According to Islamic principles land belongs to God and to people who stand for him (Verdier R: 1986). There is a link here with what was going on in the research areas before the changes. According to customary law in the two villages, all land belonged to the gods (ancestors) and certain chosen people (*Immam, Bonu, Djaouro*) were in charge of managing it. Those persons had the responsibility of standing in for the ancestors' spirits and for ensuring good relations between the gods and the people.



The family's land was the visible symbol of the ties which bound its members together. In the old days land was sacred and inalienable. This meant that it could not be used for purposes other than for subsistence production. In particular it could not be sold.

Land was regarded as a patrimonial gift left by the ancestors to feed and protect members of the community (My informant Paul Balery); as the umbilical cord ties a baby to its mother so land is a cord which ties members of the community to their ancestors. At the start of the sowing season notables would organise a ritual to beg blessings from the ancestors. There were various other rituals to ensure abundant rain and good crops for the next season.

However, the question is whether this is an imagined ideal past given by Paul Balery or how things worked in reality. Notwithstanding, one should not underestimate oral sources as a source of knowledge.

Another aspect of the system is that the officials in charge of land (*Bonu* and *Immam*) were responsible for protecting collective land rights and facilitating everyone's right to farm. The farmer would be expected to acknowledge his communal privilege by adopting a grateful attitude towards the land officials. Within each family, land was managed by the head of the lineage. His authority was demonstrated by his right to distribute land ownership to the members of his kinship group. The relationship between the official land authorities and the heads of the lineages were thus complementary.

A woman's connection to land was defined by her father or by her husband who could allow her land temporarily or as a grant. In general, though, women do not have land ownership. Women were expected to occupy themselves on the land cultivating food. But rituals to do with land and the inheritance of it were seen as male spheres.

### **3. 3. 2 Men and land**

Men are seen as the proper owners of land and as the land-keepers of the ancestors. But not all men have full rights as land keeper. It's only those who are descended from certain warriors (the *Tikalga* clan) who are able to organise appropriate sacrifices as required. People of the *Tikalga* clan are considered the first Mambay group to settle in Mambayland; they're the ones who are said to have conquered legendary enemies. It is from this clan that the *Waa* and the *Immam Bonu* are chosen. Outside of this elite class a man establishes his status in society as a man when

he establishes a family. It appears that a single man in this social state lacks land rights. He is under his lineage responsibilities. This suggests that the land rights bestowed by customary law are activated only through the institution of marriage. The single man, no matter his age, remains under his father's responsibility. So when it comes to customary land rights we can identify certain categorical pairings: land officials/farmers; parents/children; husband/wife).

The man is the chief of the household and at the same time the chief of the family's land. His rights are always related to his status as a father. The man gets land from his father (patrilineal society). The father is not simply the owner; as long as he has children who are dependent on the family's land he is the keeper and the protector of the estate for the people who are sharing his life and for the future generations. Even to the extent that a man is the owner of his family's land he has a duty to give some part of land to his wife for vegetables cultivation. But, in any case they cultivate those fields together. The father has the duty to provide land to his children (boys and girls) when they reach maturity. But before that all children and their parents work together in the same fields. When the time comes for boys to get married the father also has to give them their part of land for cultivation so that they might feed their own family. This is how people native to the area transfer land but what about other ethnic groups; what land rights might they expect?

### **3. 3. 3 Foreigners' land rights**

When using the concept "foreigner" I mean a person who is not Mambay; the way it's used by Mambay themselves when they talk about someone who does not belong to their ethnic group. They use the word "*Verga*" which could be translated as *foreigner*. In the old days, a foreigner would need to use his existing relationships with a local to get access to the land. The foreigner doesn't have the right to just go into the bush and cut down trees in order to get a piece of land. It is only through a person well known to him and belonging to the community that he might expect to use any land in the area. And, in any case, he has no rights to plant trees on the land he accesses through his friend (Paul Balery).

In the area around Bipare and Kafinarou Mbororo and Fulani, as herding groups, are not regarded as in the same category as other ethnic groups. This is because the land access they need is temporary in nature. Herders are regulated under a different and quite complex set of

rights. Mbororo and Fulani people gain access to land through their cattle and there are specific places provided for cattle where farming is prohibited (see the map on page iii). Many herders with their cattle are a source of income for the farmers who cultivate a sorghum called *Mouskwari* in the dry season. But, at the same time, they are a source of problems for other farmers who cultivate rainy season crops. So then, we have different ethnic groups who use the land and its resources on quite different levels and in quite different ways; various kinds of land users with different requirements all needing to be taken care of by the customary law. Might we, then, think of women as fitting into the system as ‘temporary land users’ too?

### **3. 3. 4 “Women do not inherit land”**

The issue of land rights for women is commonly summed up by the statement: “women do not inherit land”. This principle of law has been applicable since pre-colonial times. The statement in the context of customary law means that women do not get ownership by inheritance as men do. A woman does not have the right to own land by inheritance because, the inheritance was the main way to transmit land ownership in rural areas. When a father distributes land girls do not expect to inherit their share. In the family or through her lineage group a woman does not expect to get land ownership. The father is only obliged to set aside a part for her to cultivate which, when she gets married, she must abandon.

The situation that’s recognised by custom and generally accepted as normal is explained in the film “Land is Food” by Djaouro Sali as follow: “*women own land only if their father or their husband is dead. Or if there is no other male around who has a claim on it. A widow is entitled to use land that belonged to her husband. Or a woman can be granted land by her husband when he is still alive.*” It is only in these circumstances that it’s recognised that a woman could expect to have land ownership.

### **3. 3. 5 The exogamic nature of lineage as explication?**

Land distribution to social actors depends on lineage characteristics. Generally, the lineage constitutes an exogamic unity. Women land rights as defined by her parental and marital kin give them an ambivalent position. A woman has to stay in her husband’s lineage; girl and sister in her own lineage; she is mother and wife in her husband’s lineage when at the same time, she belongs to her father lineage. By being sister, she enters her husband’s lineage as a wife. It is said that the

ancestors who decided that women should not inherit land reasoned that by giving land to a woman or a girl a father's lineage would eventually lose all its land. They assumed that a woman would expropriate her father's lands to the benefit of her husband and her family-in-law. Furthermore, a woman inheriting land would lessen what was available for her brothers and their children. In the same way, in their turn, those male children will need the same land to feed their families. In matrilineal systems, land reverts to matrilineal relatives, but inheritance is controlled through matrilineal males' relatives (Paul Van Asperen, and Augustine Mulolwa: 2006).

### **3. 4 National Land Tenure, a colonial heritage**

Most of Cameroon was colonised by the French at the end of the First World War. The principle of French colonial land tenure law in Cameroon argued that the great majority of land, including the rainforest in the southern part of the country and the savannah in the northern part, was "no man's land" at the time of the colonial conquest and could therefore legitimately be considered State land. This concept remains valid in the postcolonial state's eyes, today. This statist conception of Cameroon's untitled and "free" land as the permanent domain of the state has become even more accentuated over past decades as a result of the increasing importance of land for Cameroon's economy, as well as the growth of housing enterprises investment (Abramson and Theodossopoulos 2000).

In the context of the environmental and neoliberal conditions imposed by the World Bank's structural adjustment programme, the Cameroon state has recently built its land policy upon the customary systems rather than on individual ownership (a more efficient ownership system that was earlier encouraged.) Beginning in the early 1970s, the World Bank, which has been a major influence on African land policy, initially pushed for land reform with a strong emphasis on individual ownership through registered freehold titled land. The Bank funded a series of land registration and titling projects in the 1980s. Their aim was to promote development by eliminating communal tenure systems through more efficient land use and more secure land ownership (Tripp 2004).

As the World Bank policies were implemented a key study in 1994 [Bruce and Migot-Adholla (1994) cited in the work of Peters, P. E 2007] found that security of title was not sufficient to invest in land and increases production due to other exogenous factors like land abundance, farm

size, and access to credit and water. Moreover pastoralists and other seasonal users of land were losing out as land became titled and registered. The Land Policy Division of the World Bank sees the reliance on customary land law as a solution for this inefficiency of land titling in rural areas. It has sought to encourage a combination of customary and privatized land arrangements. But the point is that customary land law is not static.

The communal tenure system has been modified to resemble individual land tenure wherein all lands are the property of local chiefs (**see section 4.2.1 of the next chapter**). The customary chiefs are reinterpreting their guardianship powers as those of owners. They allocate or sell common lands for private interest. In such ways local chiefs have redefined the customary law which is, in the end, their customary law. The intensification of land pressures and the commercialization of land create a natural evolution of land privatisation and ownership in fewer hands. In consideration of these changes I think that any strengthening of the customary law will create confusion and uncertainty as far as land rights are concerned given that these usually involve multiple and overlapping claims over the same resources.

And one should also take into consideration that the idea of “no man’s land” developed by French colonial forces still legitimises the rights of the Cameroonian state and, by extension the rights of the customary chiefs on untitled<sup>3</sup> land as their property.

*“Northern Cameroon is characterised by the political and land tenure hegemony of the Fulani political powers, the lamido. These control the plains, which are former pastures now subject to agricultural colonisation by mountain populations. The lamido’s power was strengthened by a post-independence alliance between the new Cameroonian government authorities, mainly representing the interests of groups from central Cameroon, and the Fulani chieftaincies of the North. The local government administration has been captured by the lamido, who organise incomers’ access to land, grant incomers only precarious use rights, and levy fees upon harvest. Through these fees and others sources of income, land is one of the lamido’s principal sources of revenue and remuneration of their “staff”” (Ousman 2001: 43)*

---

<sup>3</sup> All lands in Bipare and kafinarou are not titled, and they are considered chief property.

To sum up this chapter, the Fulani, German and French colonial presences brought about the largest changes by undermining the logic behind territorial control and by creating multiple hybrid institutions and a framework of new regulations in local areas. However, after the departure of the German and French, customary authorities remain dominant. The World Bank's land policies have affected the situation as well, by strengthening the property rights of the customary chief such as *lamido* and *Waa*. One should also emphasize that, while legal pluralism of land institutions is a reality at the national level, it may or may not have concrete impact for rural people depending on history and the local power balance.

Our aim here has not been to present a model of evolutionary change in customary law. The way land is organised is more complex than that. One should view the history of the *Waa*'s role (and that of his officials) in land allocation as part of a complex picture: a political system which varies from one society to another according to their particular values. For instance, intra-family individualisation processes may co-exist with the continuation or reinterpretation of the collective dimensions of the customary land tenure

The last section of this chapter (**3. 4 National Land Tenure, a colonial heritage**) opens the door to the study of changes in Chapter Four. The study of land scarcity and women's land rights in the context of changes in customary land tenure system in Bipare and Kafinarou will be the main focus. Land scarcity seems to be a consequence of changes in land management but it's also seen as a factor that has generated shifts in customary land tenure system.

## **Chapter 4**

### **CHANGES IN LOCAL LAND TENURE, LAND SCARCITY AND WOMEN'S LAND RIGHTS**

Across rural Cameroon land legislation is yet to be properly implemented and most resource users gain access to land on the basis of local tenure systems. These usually involve multiple and overlapping rights over the same resource (Cotula 2007).

This chapter examines changes in customary land tenure in Bipare and Kafinarou, women's land rights and land scarcity. It is through this scarcity factor that these changes are mainly perceived and spoken about by local farmers. Over recent years major changes have taken place in the rural land tenure system variously based on a wide diversity of local contexts. In Bipare and Kafinarou land scarcity can be attributed to a combination of factors: population pressure; the use of modern inputs and associated intensive farming methods and the various changes in land management and land transfer procedures.

But I don't believe that these factors, by simple cause and effect, fully account for the ways in which the customary system has responded to such changes. The shifts are far more complex than that. To get at this complexity it's necessary to understand what's actually happening in the land tenure system by way of activity on the ground to do with women's rights to land on the one hand and their practical access to it on the other.

#### **4. 1 Land is scarce in Bipare and Kafinarou**

This section is mainly based on the content of the accompanying film "Land is Food". In the film, by way of interviews and conversations, one understands that the issue of land scarcity pervades people's everyday life. The introduction of money into land transactions and the symbolism around land value in Bipare and Kafinarou are also dealt with. But before describing the social changes which have affected the customary land tenure system one may look at how farmers, themselves, explain and justify land scarcity.

#### 4. 1. 1 Incomers

In recent years the economic crisis in Cameroon, as in much of Africa, has reinforced people's efforts to diversify their assets and sources of income and has contributed to a proliferation of channels to accessing land. Farmers now commonly move around from one village to another to look for available lands (Goheen 1996).

For many decades now, a large number of new ethnic groups have settled in Bipare and Kafinarou. The most recent group is constituted by the Mgambay and the Kera people. They are attracted, for one thing, by the quality of the soil. Moussa, one of the main characters in my film avowed:

*"It is so hard to find land today, especially with recent immigration: Mgambay and Kera people. They have come here and built on our best farmland with the help of local chiefs. They have settled right in the fields. We locals are losing any entitlement".*

When land was abundant it was relatively easy for an incomer to access land. Back then the "tutorat" system facilitated relations between immigrants and locals. "Tutorat" refers to the relationship that develops when an incomer and his family are accepted into a local community for an indefinite period of time. The "tutorat" entails a transfer of land rights from a customary landholder (referred as the tutor) to the new arrival. Incomers are granted access to land to provide for their subsistence needs but their settlement is conditional upon the social order of the community being maintained.

As a social institution *"tutorat" regulates both the integration of incomers into the host community and the transfer of land rights to them*" (Cotula 2007: 68) But today the "tutorat" is nowhere to be seen operating as per this definition. Population pressure (large scale immigration) has radically altered the system into one that's dominated by money. In my research areas:

*"...Money and also the chief's complicity help outsiders to conquer our lands. We indigenous people, we lack land –we are outsiders now-"* says Moussa in the film "Land is Food".

The basic relationship has been renegotiated and the emphasis has shifted from the need to secure available labour to the need to secure access to land. However, population pressure is not the only factor that can explain land scarcity in Bipare and Kafinarou.



#### **4. 1. 2 The herbicides**

Farmers have shifted to new agricultural methods as a way to improve their overall production and to make their work easier. The fact is that new herbicides can help farmers to gain more income that can then be used for expanding their land-holdings. The same herbicides by making the work easier, allow conquering many plots. Thus these new inputs can make access to land more difficult for everybody. One of my informants Djaouro Sali in the film “Land is food” says that:

*“Those whites’ farming products called Romdom, Atrasy, Duron and Delmil allow land to be conquered. The yields are dropping so we feel compelled to grab more and more of God’s land to increase the production. You exterminate every weed in your path and you farm much more intensively... But still, money is the main tool to access good soil. And, soon there will not be enough land to go around”.*

When he says ‘yields are dropping’, he refers to land degradation. The growing infertility of the soil pushes farmers into practicing ever more extensive methods; they need more lands in order to maintain or increase crop yields. The drive for greater yields leads to an increasing need for money to buy herbicides. Chemical inputs as a way to increase land incomes through larger land holdings exacerbates the shortage of land in Bipare and Kafinarou.

Herbicides and money, in combination, eventually lead to ownership in fewer hands. The use of herbicides is one manifestation of the impact on local economies of huge capitalist agribusiness enterprises from the developed world. Local production systems are becoming well integrated into the global economy by way of imported agricultural inputs and the expanded production of crops for export; crops that would previously have been consumed locally. The expansion of export cropping has the effect of increasing the value of the land thus triggering the processes of further individualisation of tenure.

#### **4. 1. 3 Ownership in fewer hands**

The link between the use of money in land transfer arrangements and people’s access to land are extremely complex and likely to vary from place to place depending on the local economic system and the level of money use reached.

In my research areas money enables people who have money to purchase land informally. Formally, it's forbidden to sell land considered as common property and ancestors' gift. But, the use of money in land transaction legitimized as for rental use only, is also use secretly to buy land. This situation creates land competition whereby only people who have enough money can compete. That ownership moving into fewer hands is underscored by the fact that land is generally regarded as *Waa* property nowadays. Instead of a variety of notables (*Immam*, *Bonu*, *Djaouro*) regulating rituals and the processes of land distribution, the chief is now in sole control. Elisabeth the midwife describes in the film how land distribution works today in Bipare and Kafinarou:

*"The problem with finding a plot to farm these days is that you have to negotiate with the local paramount chief. And you had better bring your money when you go see him to request a plot. You first approach his agent they call a Bonu. You deal with the Bonu and he passes your request to the Waa. It has to be arranged through him. But then usually, whatever the deal you negotiate, the Bonu will expect a cut too. He adds his commission to whatever the Waa demands. So if you're short of money how can you access land now? For me the obstacle to accessing land is money."*

These and many other changes have important repercussions on local land tenure and are affecting the way customary tenure systems operate. This section has reviewed some of the main factors listed by our informants as the ones driving change in customary land tenure. Whilst this review remains far from exhaustive these factors: changing land values; land as the property of the *Waa*; population pressures; the use of money in land transactions; the use of new inputs etc. together explain the phenomenon of land ownership shifting into fewer hands and the consequent 'created' land shortage. The point here is that those factors of land scarcity in Bipare and Kafinarou also point to changes in the customary land tenure system and to local responses to the way land itself is now valued.

## **4. 2 Changes in local land regulation in Bipare and Kafinarou**

My purpose in beginning this chapter with the presentation of factors driving change in customary land systems was, in a way, to reflect the customary law through those factors. Our empirical data shows that there is an interconnectedness of facts which explains the changes in

customary law whilst, at the same time, those facts are themselves the result of changes in customary law. The term ‘customary institution’ refers to sets of rules and practices governing many cultural, social and political aspects of life in rural areas (Zenebeworke 2000). This is why changes in customary law are so complex and cannot be apprehended as a straightforward linear process.

Customary land laws are not always readily identifiable or consensually determined. They are built upon cultural, social, religious, and historical facts which vary from village to village. Lavigne Delville makes a distinction between the authorities who make the rules and the legitimacy of these rules:

*“...for farmers, herders, and fishermen, access to land and natural resources are governed by rules that determine who can use the resources and under what conditions. These rules are implemented by authorities that make the rules and enforce them, allocate rights and arbitrate conflicts. These authorities are what we call land management institutions”.* (2007: 24)

#### **4. 2. 1 Waa, the land manager**

As competition for land increases and as resource access relations become more monetized those with more access to financial resources are able to gain control over valuable resources. The Waa has redefined the customary law: *“Land is Waa’s property. Farmers are considered as land users. They only have right of use. As far as land access for everyone goes, there is no problem. However, the autochthones must pay taxes to the Waa. The foreigners must give a share of the harvest.”* (My translation)

The above text is from a book of regulations concerning land allocation among the various users in Bipare. The document was written to clarify various land users’ rights after several conflicts had arisen between farmers and herders. The document belongs to the Waa and functions as a “Law book”. This quoted text, then, would seem to be a written version of the “customary” law of Bipare and Kafinarou. It refers to how land rights are actually conferred and legitimised. Herders, as temporary land users, are not cited there. The land rights of women are not specifically mentioned either. This lack reflects the fact that women are not considered as owners in any sense. However, what the quotation does reveal is that all farmers are ultimately regarded

as mere users of land whilst the *Waa* alone is seen as an owner. This redefining of customary principles is well expressed by Cotula (2007):

*“In many parts of Africa, assertive customary chiefs are reinterpreting their guardianship powers as those of owners, and allocating or even selling common lands for private gain. In this context, weaker rural groups are being squeezed out, and are losing access to the resources on which they depend for their survival.”* p.3

This transformation of all farmers into ‘land users’ indicates a redefinition of how land ought to be transferred. It also suggests the need to understand how land itself is perceived nowadays.

#### **4. 2. 2 Land as a commodity**

Changes in local livelihood systems may have important implications for how land itself is perceived. Here, ‘livelihood’ makes reference to *“the continual adaptive process whereby householders add new activities, maintain existing ones and drop others, thereby maintaining diverse and constantly changing livelihood portfolios”* (Cotula 2007: 107). Studies show that in rural Africa whilst household incomes are generated mainly from agricultural activities (FAO 2002) many families combine farm work with business activities such as trade, brick making, transport etc. to multiply their source of incomes. The direct consequence of this to land tenure practice is that people tend to use their greater access to income to strengthen and/or extend their land access. And naturally, as a consequence, land is seen more as a commodity than as a sacred gift handed down by ancestors.

Two native concepts reveal the notional status of land in my research areas: *para dongny yo*, and *para ma nouva*.

*Para dongny yo* means ‘a farm is wealth’. Land is no longer seen as sacred; for use within the confines of a traditional subsistence economy, but rather for the purpose of accumulating money: land is wealth itself. More and more these days, men are involved in cultivating cash crops in order to buy a motorcycle or a mobile phone, for example, or to construct a modern house. Women too are getting more involved in farming for money. And the division of labour is changing: cotton cultivation which used to be considered men’s work is done by women today. Likewise we now see men involved in bean cultivation; something which used to be reserved for

women. These shifts in the division of farm labour are another indicator of overall changes to land value.

*Para ma nouva* on the other hand, means ‘farm has oil’; again, a concept related to wealth. Oil in Mambay society serves as a symbol of wealth, of good livelihood, of a happy life. The peasant relationship to land is figured as their own way of extracting “oil” from the soil.

## **4. 3 Women’s land rights and local land regulation**

Land tenure arrangements have always been gendered. Claims about the inherent insecurity of customary land laws have been challenged by research that has demonstrated the resilience of these systems and their capacity to adapt to changing circumstances (Tripp 2004).

In general, though, discussion about the absence of women’s ownership does not take “co-ownership” sufficiently into account. Some researchers put land ownership by women at less than 10 percent world-wide (FAO 2000); others argue that women may actually have more direct use and management of land than men albeit through lesser kinds of rights than full ownership (Tripp 2004). However, the discrepancy between decision-making powers and labor input is compelling in many situations (FAO 2002).

In this section I discuss different kinds of legitimate land rights given to women despite the fact that they do not own land.

### **4. 3. 1 Women’s usufructory land right**

As mentioned earlier, land ownership in Bipare and Kafinarou is distributed by the *Waa* as the land’s owner. Analytically we can distinguish three aspects pertaining to land rights: use, transfer, and allocation. All individuals in Bipare and Kafinarou have rights to the use of land by virtue of birth or/and marriage if we keep to the redefinition of customary law (**4. 2. 1 Waa, the land manager**). Various rights of administration or control of access, transfer and allocation are vested in the hierarchy of interests extending from the *Waa* downward to individual farmers, depending on gender, status, kinship, and ethnic group relations.

A **use right** refers to the use of land for grazing, growing subsistence crops and gathering minor forestry products. A **control right** is the right to make decisions as to how the land should be used, including what crops are to be planted, and to benefit financially from the sale of those crops. Finally, **transfer rights** combined with **allocation rights** refers to the selling or

mortgaging of the land as well as to the conveying of land to others through intra-community reallocations or to heirs and to the reallocating of use and control rights.

Customary rules of inheritance or succession define categories of potential heirs to property rather than designating any specific individual as heir. Although, in households, women have had secure rights of usufruct (use right and control right), these rights have been mediated through men (Goheen 1996). Women's usufructory rights appear in the secure rights guaranteed by traditional land tenure. In practice, this usufruct right seems not to be limited to the specific land temporarily given to the wife but extends to all of the husband's fields. It could be expressed thus: the husband owns the fields and the wife owns the crops. This last statement opens a door to the empirical data showing that household members negotiate their land rights which are not always well legitimated or known but which cohabit or overlap with the known usufruct rights - and lack of owning rights - of women.

#### **4. 3. 2 “Men own the fields, women own the crops”**

In this part we present empirical data from Moussa's household to show how the customary land tenure system within households gets redefined. In fact, an individual's land rights are quite negotiable within the household. The case of Ruth and Moussa is an example of this and it opens doors to chapter five where we discuss women's strategies to get land beyond their household.

##### **1- How Moussa got his land ownership**

Moussa, 43 years old, was born in Kourgui. He came from a family of four boys and three girls. Moussa's father lived together with his family in Kourgui until he died. He'd gone there to seek more fields. After the death of his father, Moussa's mother and the other members of the family returned to Kafinarou, their native village.

In the film “Land is Food” when I asked Moussa how he came by his land his answer not only revealed his own story but also the general precariousness of tenure nowadays for men as well as for women:

*Me: How did you come by your land?*

*Moussa: Actually, I have very little land left now. I am only working half a hectare. And even this little bit; people are angling to get it off me... There are many fields around here that used to belong to my father. I cannot get them back because someone swindled my mother out of our lands. For that reason she had to move to another village. She lost our land. And it was only with my uncle's intervention that I was able to get the half hectare back.*

## **A- Analyses**

There is fierce competition in Bipare and Kafinarou when it comes to land access. Customary law can no longer be relied upon to secure land rights by inheritance. Moussa's mother was unable to assert her widow's rights to inherit her husband's lands as a way of keeping hold of them. Moussa, as son, had great difficulty maintaining any rights over what he saw as his rightful property. Nevertheless, it would certainly seem easier for men than it is for women to secure tenure of their property.

The case above and Ruth's case below link to show that men are entitled to land ownership but women have control over the resources coming from men's fields.

## **2- Ruth's control over the crops**

Moussa and Ruth have been married for many years. They have seven children, three girls (Brigitte, Tinaga, Suzanne) and four boys (Daniel, Koue, Emmanuel and Kada the new baby). Moussa's compound has five huts. The first house we see when we enter Moussa's compound is his own. He uses *seko*<sup>4</sup> to separate his area from those of other family members. It is in this area that Moussa sews clothes, eats, rests, and entertains people. In the middle of the compound we have a dwelling which belongs to Ruth. She lives there with the female children. The kitchen is situated on the right side of Ruth's hut: most of the time she cooks outside. In front of Ruth's house we have the granary for storing millet, white beans and dry vegetables. She is the one who keeps the key.

---

<sup>4</sup> A type of wall made with grasses

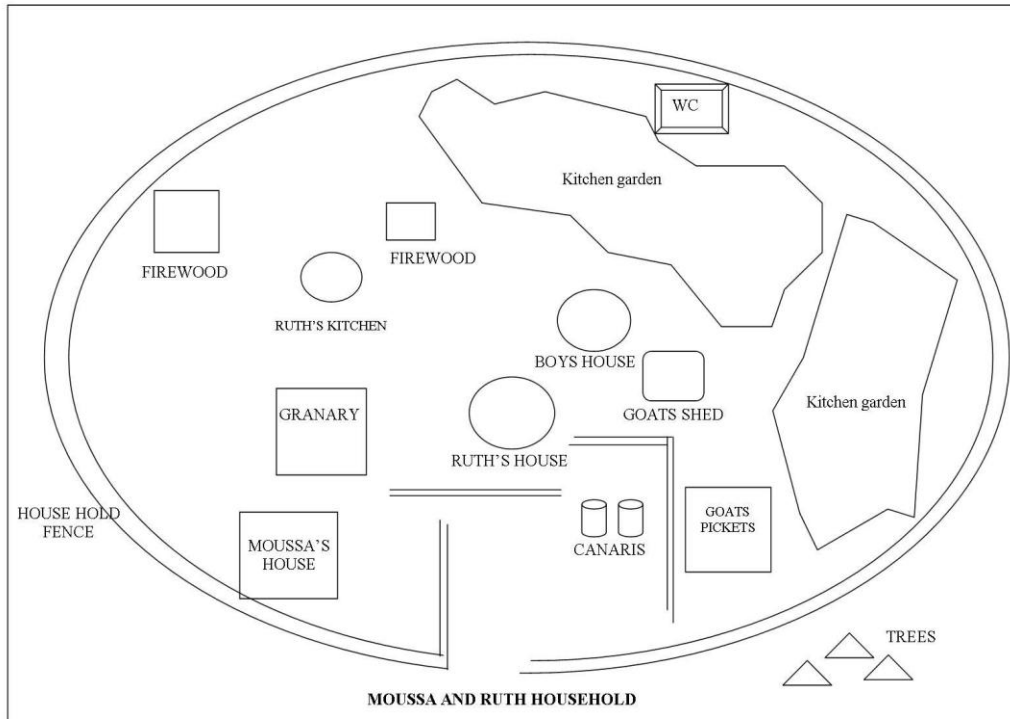


Figure1: Moussa's compound

**a)** The scene in the film “Land is Food” where Ruth and her children prepare themselves to go to market demonstrates her control of the granary and, by extension, of the crops which are the main source of income for the family. The scene was filmed on the 18<sup>th</sup> of April 2007. Just after the harvesting of the dry season millet (sorghum) so the granary was full.

The door to the granary is always locked. That day, before going to the market, Ruth opened it and measured out the quantity of millet she intended for selling. Then she closed the door and put the key away where she always kept it.

**b)** On the 15<sup>th</sup> of July 2007, Ruth went to the hospital. She had malaria, as did her baby. I followed them there later. Meanwhile, Moussa went looking for the granary key in order to get some millet to sell. He needed to have some cash whilst Ruth was away. However, he was only able to find the key with the help of his daughter, Brigitte. Ruth had changed the place where she usually hid the key. She'd found a spot different from the one we see her use in the film. That same day, I recorded an interview with her. (This has not been used in the film):



**Ruth-** *We got twelve bags of one hundred kilograms each. We gave two bags to the Waa as taxes. We gave almost two bags to the farm labourers we employed. We also gave ten percent as the tithe to the Church. The other bags we sold. Today, we only have three and a half bags left.*

**Me-** *will you sell them also?*

**Ruth** – *No...No...No (emphasizing strongly)*

**Me-** *Why?*

**Ruth-** *I think we have to wait a bit, we are just at the beginning of the rainy season. We just sowed the maize; that will take time to grow. And we are not sure about the quality of the production this year. If we sell all our crops now before the end of the rainy season, my household will probably face hunger.*

### **A- Analyses**

This excerpt shows clearly that crop management is something that's taken care of by Ruth.

From this everyday story of Ruth's household we can see clearly that whereas customary law is the basis of farmers' use of land, relationships based on individual rights can also be manipulated by actors who are affected by customary arrangements. Such cases indicate how rights might be negotiated within the household and, by extension, within extended family groups.

The empirical data presented above opens a door to chapter five to the fact of perpetual negotiations going on between women and the customary land tenure system within the household. It seems to indicate that in practice there's a considerable gap between what's supposed to be and what actually is going on where women's access to land is concerned.

In this chapter we have been discussing changes in customary land law as a result of land scarcity but also as a causal factor in that scarcity. The two villages under consideration have been transformed by the large areas of high-value land around them. The monetarisation of customary forms of land transfer is well under way. Demographic growth and agricultural intensification has tended to foster more individualisation and commercialisation of land rights. We may still observe certain kinds of arrangements between autochthons (mainly in the person of the chief) and incomers. However, in earlier times it was the chief's role to protect the rights of his own people by ensuring that land was put to use for the common good. But as a consequence of changes in land management under capitalist influence, land is now regarded as

his own property and the income he derives from its management is shared with the State. So in this current era of land scarcity and in the context of a redefined land transfer regime, inheritance, as the main customary way accessing land, is fast disappearing. Then viewing female rights from a “women don’t inherit land” perspective alone may be inadequate as a way of grasping the true situation of rural women of Bipare and Kafinarou. This leads us to focus on how women do, in practice, negotiate beyond their usufruct entitlements and their negotiated rights as “crop managers” of their husband’s fields.

## Chapter 5

### WOMEN'S STRATEGIES FOR ACCESSING LAND

This part of the paper discusses women's ways to get access to land. We have strategies which are socially negotiated and others which are more personally chosen. The set of social relations in respect of land in my research area tends to reflect relations at the broader social level. The reorganisation of the ways that women gain access to farming land reflects the contours of overall social change. This can be seen in the ways they go about negotiating around kinship issues and making use of whatever status positions they happen to possess.

#### 5. 1 Women's access to land; socially negotiated

In many aspects of everyday life marital status and age are highly codified social markers and as such can be utilized by women in negotiating access to the land they need.

##### 5. 1. 1 Her age helps a woman to own land

In Mambay society, as mentioned in the theoretical part in chapter two, we have three categories by which a 'woman' is designated: *bik Vina*, a female who is still too young to be married; *bik Koulla*, a female of marriageable age and *Vina*, a married female. We have a similar system for defining men by their age and marital status: *bik wuina*, *bik Nakemra*, *Na poug wuina*. Certainly, the way a woman gains access to land cannot properly be analysed without taking into account her household position, her marital status. The native's definition of gender roles are related to a person's age and marital status. A new household is indicative of a woman having accomplished her shift in status from "*bik Vina*" to "*Vina*". Marriage can be seen as the rite of passage to complete "female" status and at the same time the foundation of her rights regarding land. A woman's relationship to land begins in her father's house as a girl (*bik Vina*) and ends in her husband's family as a wife (*Vina*). Her land rights within her household are also determined by her age group.

As I've observed, a woman's age is a determining factor in her overall social participation and her acquisition of certain rights. A male acquires some special rights at birth: the right to own land, the right to become the head of a household, the right to become an elder (in daily life a

woman must respect a man irrespective of his age). Nevertheless, age based seniority does confer some particular rights on women where land is concerned.

### **1- Case**

On the 26<sup>th</sup> of May 2007, after a meeting of women of the local cooperative *Soufari*, I decided to ask them some questions related to their rights of access to land. I was particularly surprised by one thing I heard: a woman can inherit or own land when she gets older.

**Me:** *“It is commonly said that women do not own land, what do you think?”*

**Women:** (Answering together and laughing) *“We, all of us here, have our fields”*

(One says) *“I have my own fields, of course, as elders, we do have fields...”*

(They continue laughing, perhaps a little surprised by my question.)

**M-** *How, then, did you come by your lands?*

**W-** *“...from our husbands... from our husbands”.*

**M-** *Did your husband’s lend it to you or did they give it to you outright as your property?*

**W-** *They gave it to us outright.*

**M-** *Do women who are younger, and those who’ve just got married, also get their own land from their husband?* (In asking this question I was thinking of Ruth. I knew that she had no ownership but maybe that was also to do with her husband’s limited property or perhaps it was primarily a matter of age).

**W-** (One woman :) *They don’t get any ... because they don’t seek it ...* (other women differed, interjecting in unison :) *No... it’s just that younger women work together with their husbands. ... It is only when they grow white hair on their heads like us that they can expect their own piece of land from their husbands ... They’re still young ... who’s going to allow them to have their own pieces of land. ... We elder women, we work alone, but the young ones, they must wait... they still work with their husbands!*

**M-** *Do you mean that for a woman to have her own land she really has to wait until she’s old?*

**W-** (All respond together, laughing) *.Yes!*

## 2- Analyses

Does this mean, then, that women's access to land is related to the degree of dependency between a husband and his wife? And does this dependency tend to lessen as they grow old? Or is it, rather, that women simply gain more trust as they get older?

In any case, there's considerable inconsistency between known rules and actual practice when it comes to local land tenure. A woman cannot inherit land from her father's lineage but may gain co-ownership in her husband's house. This is the situation as it's known in Bipare and Kafinarou. And yet, it turns out that a woman of a certain age can negotiate access to her own farm land and own it. This last fact seems not to be an established principle of local land tenure but does seem to be a common practice within households.

The last of the statements quoted above suggests that a young woman should not expect to have her own land from her husband. Does this mean that as a woman gets older she acquires more rights in her society? Or does it reflect the fact that a woman's being older ensures that she will not leave her husband's lineage taking land with her back to her father's lineage or contract another marriage? Does it mean that the acknowledged customary law is only applicable to young married women? What, then, is the meaning of age for this society: why is it that women can only own land (co-ownership) when they are married and get their own farmland property (ownership) when they are older?

In any case, what I do know is that gender and age are fundamental criteria for social differentiation. This is manifested in the way people treat seniors in meetings and all aspects of everyday life in Mambay community. Old people are treated with great respect and honour. In the church, for example, places are reserved in front for the old women and at the back for old men. Even if some of the seating reserved for the elders remains unoccupied no young man or woman is allowed to sit there. Also the final prayer is always spoken by an old man or an old woman.

According to Hylland Ericksen (2001):

*“Advanced age is often associated with deep experience, wisdom and a sound sense of judgement. In many societies, old men are the political rulers and old women are perceived as less “threatening” than younger ones, since they have grown more “cultivated” and are further*

*removed from nature than younger women are. They no longer menstruate, they no longer have children.” P. 135*

Perhaps the way old women are treated in respect of land rights is indeed linked to their inability to contract new marriages. Consequently, husbands’ lineages do not risk losing their farm plots to outsiders. However, age is not only relevant principle of differentiation in Bipare. We also need to consider women’s marital status.

### **5. 1. 2 Unmarried women rely on their male kin**

Women who are not married rely on their male kin to get access to land. Elisabeth, the midwife, stresses this point in the film “Land is Food” when she says:

*“... anyway a single woman cannot approach the chief. She usually has to rely on her male kin for land access.”* But sometimes even married women rely on their lineage to get land when they could not get it from their husbands. Although nowadays, especially with farm plots so scarce, a woman’s own kinfolk are less likely than before to be of any help to her.

## **5. 2 Women’s lineages: deficient as a means of access to land**

### **1- Case**

It was on July 23<sup>rd</sup> 2007 around 02:00 pm. that a grandmother and granddaughter arrived at the clinic. I was there with Elisabeth waiting for a woman to give birth. A few minutes later the two were received by a medical assistant. In a sobbing voice the young woman explained what had happened to her. She’d been attacked and beaten by a male cousin<sup>5</sup> in a field. The reason was that she’d been out farming on a plot which he said belonged to him. It turns out that the granddaughter had been granted access to the plot by her grandmother (also the grandmother of the cousin). As it happened, the young man did not appreciate the fact that his grandmother had granted the same piece of land he’d been farming for years to his cousin.

---

<sup>5</sup> The son of her father’s brother

## 2- Waa's decision

The young woman made a formal complaint to the chief who decided that their grandfather, from whom the grandmother got the land, had to pay the price of 'the blood'<sup>6</sup> because he was regarded as the owner of the land. And, regarding the field in question, the *Waa* determined that he himself would hold on to it as his property. Farm plots which become a matter of conflict commonly return to the *Waa*. It is usually referred to as a "dispute fee". It was understood that if and when the chief decided to return it, it would go back to the young man. According to the *Waa* it had been a mistake for the young woman to ask her grandmother for the plot without first consulting her cousin.

## 3- Analysis

By observing the role of the *Waa* in this conflict one can grasp just how chiefly authority can intervene in a lineage's internal land affairs and how lineage crises are a big issue in land management. The case is also a clear indication of the current land scarcity crisis. It shows how difficult it is for a woman to win land access or ownership through her own family or lineage. I would say that a woman is seen as a kind of 'outsider' within her own lineage when it comes to internal land distribution rights.

This story also reveals a certain entrepreneurship on the part of the grandmother in her transferring of the land that she'd received from her husband on to her grandchildren. But as it happened, her enterprise fell down when she tried to transfer land to her granddaughter. A woman ought not to transfer land to another woman. Notwithstanding changes to customary law, restrictions remain on women reallocating land, especially when it comes to woman transactions.

The social security functions of lineage-based tenure systems have become eroded under demographic and economic change and the growing incidence of exclusionary practices which develop as land scarcity and increasing economic value of land transform customary tenure systems. Foremost amongst there are restrictions for single women and for married women (Platteau 2002). Demographic pressures leading to land scarcity within lineages leave women's livelihood options dependent on the remaining land availability in other lineages. Their position

---

<sup>6</sup> It is forbidden to spread the blood on the soil.

in their lineages, on the one hand, and in their households, on the other, is used by them to get access to land in other lineages.

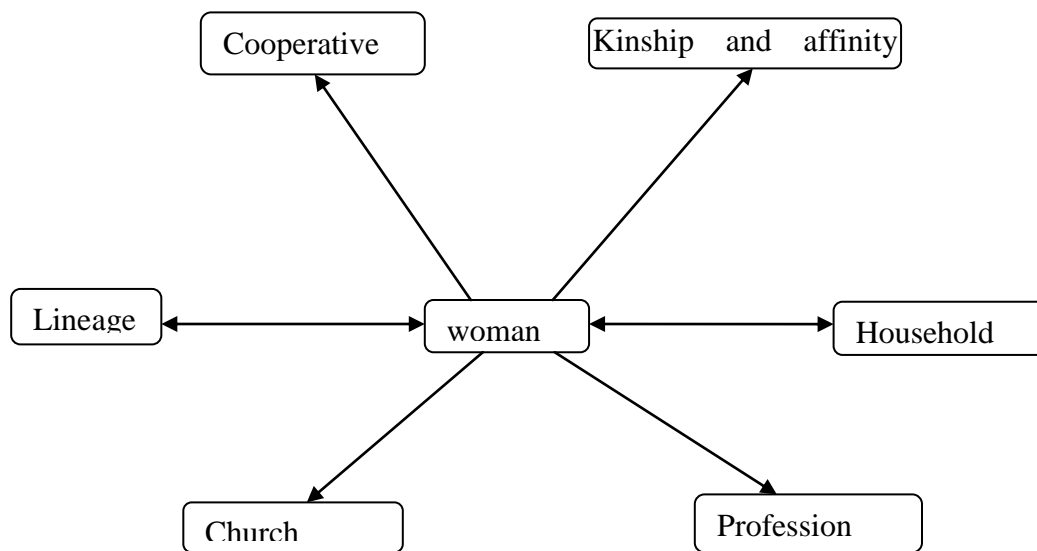


Figure 2: Women “tools” to get access to land.

The diagram below illustrates novel ways by which women gain access to land. It shows that lineages and households are tools used by women for that purpose. As a result of these strategies lineages and household have become less isolated social entities. New paths of communication have been opened up by women in their quest for land. These new spheres of interaction, as with pre-established ones, are defined by networks of relationships across and between kinship groups, status groups and affinity groups like churches.



### 5. 3 Cooperatives as a group strategy

We have three Cooperatives in Bipare: *Bah' le*, *Nasouzi* and *Soufari*. These were established by an NGO (PRODALKA<sup>7</sup>) to promote and improve the condition of women in the village. With more than fifty women members Soufari is the biggest. All age groups are represented in it. Its activities are mainly farming related and the group's income comes from the crops the women sell after harvest. It's through the cooperative organisation that farming land is allocated to them by the *Waa*.

*Me- How did you come by your lands?*

*Women: We got it from the Waa*

*Me- Is there any difference between you who are members and women who are not?*

*W- Apart from the fact that we (members) hold land in common ... we are all (treated) the same... But our situation's different. The cooperative receives money from the parent NGO to help realise our projects.*

*Me- Did you choose to be in the cooperative only because you wanted to access its large common land area?*

*W- We do have common land but we also help each other in our individual fields. We work in groups of ten women. We organise to help each member of the group in turn with her harvesting and other farm work.*

In Kafinarou and Bipare it's well known that a woman cannot go directly to the *Waa* to ask for land. She has to approach him through her husband or another man. But through the cooperative women do have direct access to the *Waa* and can petition him. Staffs of the co-op are free to go and meet the *Waa* any time they need to. Land is not the only benefit of co-op membership. It can also be a source of cheaper labour since the members need only buy drinks and prepare food for their fellow female workers.

Through such cooperatives, then, women have found ways to increase their co-ownership (communal ownership) of and their access to scarce land resources. The cooperatives enable women to control their crops but also to have some control over their income. This year, for

---

<sup>7</sup> A German NGO

example, to bring additional money into their account, the women decided to do the job of providing water for the construction of the new hospital in Bipare. The construction began in April 2007 and ended in November. Throughout the whole building process the Co-op women provided water to the project. This year they also managed to expand their land holdings by gaining another field for maize cultivation in Kafinarou.

## **5. 4 Individuals' strategies**

This part examines individual women's strategies for land access. The social correlates and cooperation among kin and neighbours have shaped household relations of production. Women are in different structural positions with a different set of constraints and responsibilities both within the household and within networks of kin, neighbours and membership groups.

### **5. 4. 1 Kinship and affinity**

Domestic units can be seen as hubs in a vast network of social relationships that link together diverse individuals and kin groups within and beyond the village (Smedley 2004). On the one hand they are structural components of the more inclusive corporate kin group. On the other hand households also have a wide range of interconnections. In this part, I describe day-to-day life and analyse the various forms of mutual interaction with other domestic units emphasizing those that are constructed upon kinship and affinity. The most important links among domestic units are essentially personal ties that connect persons of different household situations together.

#### **1- Ruth and her bean field**

In the film "Land is Food" we have several scenes showing Ruth harvesting her beans. She accessed this field through her affinity with the Djaourou of Kafinarou. This land is used for bean cultivation during the dry season and constitutes Ruth's main source of income.

In April, just before the rainy season, Ruth and I went into her field. It was further away than I'd expected a contrast to the proximity of Moussa's sorghum farm. Nevertheless, we finally reached the bean field which is actually the seasonally dry bed of a wide river. Ruth enjoys talking with her children as they work together in the field. They tend to chat happily among themselves the whole day. In the film "Land is food", for example, we have one scene where Ruth and her daughter Brigitte discuss the issue of their respective ethnicities. The scene is typical but serves also to open a window onto the complex issue of self perception and ethnicity. In any case, this

convivial ambiance facilitated me asking my own questions. It was during one of these informal conversations that Ruth explained how she got access to her land:

**Ruth:** *“I got the land from a middle aged man, the Djaourou of Kafinarou. Last year I widened the area by cutting down trees and grass myself in an effort to increase our production. But, compared to previous years, production this year is down. It’s a high risk field to cultivate. Our chances of getting a reasonable crop depend a lot on just how fast the river water withdraws; the quicker it does the better.”*



Figure 3: Ruth in her beans field.

## 2 - Ruth and her brother-in-law's field

During the rainy season Ruth works alongside her husband in the only field they actually own as a family. Ruth has not been given a plot of her own by her husband; his only land is, in any case, too small to be shared. However, Ruth does farm some rented fields on a regular basis. These rental arrangements are based on her own personal relationships. She managed to acquire a plot from her neighbour for groundnut cultivation. She also rents a one-hectare farm in her brother-in-law's village for growing maize. During her pregnancy she was unable to do all the farm work by herself so she employed labourers to help. She also purchased herbicides to make the

task easier. She's been managing these fields regularly for several years now. She continues to pay rent on them annually.

### **3- Analyses: Ruth's repertoire of social person**

#### **a) Ruth's kinship**

Ruth's repertoire of personas include: daughter, sister, woman, wife, housewife, mother, sister-in-law, Moundang, and neighbour. We can see in Case 2 that Ruth has used both her status as neighbour and her status as sister-in-law, respectively, in her quest to access land. In the first instance, the field where she plants groundnuts, she used a certain affinity with the neighbour Djaouro; an affinity based on her being the wife of Djaouro's friend (that is, Moussa).

In the case of the maize field, the fact that Ruth decided to seek land in another village based only on her being a sister-in-law of a land owner there shows her skill in making use of that status in that context, just as in the other context she used being a neighbour and being the wife of Djaouro's friend. Making use of her various statuses, affinities and personas she moved across kinship lines to access the land she needed for her family.

The idea of a closed, isolated and non negotiable "kinship system", defined by Radcliffe-Brown as a "whole" in the work of Louis Dumont (2006: 11):

*"whenever we speak of 'kinship system', we are asserting, in brief, that it is legitimate to isolate such a system from the total society in such a way that the elements within the system will be taken as interdependent with one another, but not with those outside it"* has been challenged by Ruth's choices. For Radcliffe-Brown the social system is constituted by many sub-systems which are isolated and subordinated to the ensemble of the whole system of the society. This notion does seem inadequate when it comes to analysing the social negotiations that Ruth enters into on a daily basis. Barth's conception seems more adequate. Barth (1981) has a different conception of Kinship; rather he sees it as a dynamic entity. Barth believes that to study kinship correctly is to emphasize what is actually going on in each society as opposed to focusing on the norms.

My study of women's strategies to get access to land has led me to discover that kinship is not a closed and isolated system. Kinship is commonly used by women to challenge the customary law in order to get what they need. Basically, land is distributed according to kinship, but, where money and marriage come in, there are times when the system is seen to be open to negotiation;

points where it becomes possible to own land belonging to a lineage that one has no direct ties with. At the point, for example, that Ruth makes use of her relationship with her brother-in-law independently of any blood link, kinship ceases to be a system within which its various elements are subordinated. Boundaries are up for negotiation. A divorce, for example, could terminate a kinship tie whilst an adoption could redefine a kin relationship. This flexibility around kinship is utilised by women of Bipare and Kafinarou to gain access to land both from their father's and their husband's lineage groups and out of this kinship.

In recent discussions around kinship Dumont (2006), stresses that all societies ground kinship, to some extent, on a biological given but what makes them societies is the way in which they move away from this given, interpreting it and modifying it, rather than the biological residue which remains in all their constructions. I think this is how one could analyse and understand women's strategies vis-a-vis kinship norms in Bipare and Kafinarou.

### **b) Ruth's ethnicity**

Kinship sets internally show that any status can only be made relevant towards a particular kind of other status depicted as dyads, and, given any particular interaction partner, the tasks at hand remain open for negotiation and agreement (Barth 1981).

In a kinship system, most persons will perform most tasks, but towards various different alters. Ruth has many brothers-in-law but the one she chose to approach was the one living in Poubomy. Could it be that there are aspects of that relationship which set it apart from the relationships she has with other of her brothers-in-law? Could Ruth's choice have been determined in part by her ethnicity? Her brother-in-law who lives in Poubomy happens to be a Moundang like herself whilst all the others are Mambay living in Kaboung-ny and Kafinarou. If it was Ruth's ethnicity that guided her choice, if she saw it as increasing her chances to access land in Poubomy, does it mean that being a Moundang was a greater determinant of her success than being a sister-in-law? One might say that her being a sister-in-law actually reinforced her ethnicity status and vice-versa. However, the rights and obligations of the status set in a kinship system are always entailed in the interaction between these persons (Barth 1981).

## 5. 4. 2 Church and Profession

Education, work experience and church membership have opened up new visions for Elisabeth as well as new opportunities for her in gaining access to land. This analysis is based on observations of day-to-day life.

### 1- Elisabeth gets land from the church

Elisabeth is the midwife in the film “Land is Food”. She decided to live in Bipare after her separation from her husband. She has three adult children, one girl (Babette) and two boys (Koue and Paul). First, she preached the gospel around the villages with other women before starting to do her job as midwife. She is a member of the Fraternal Lutheran Church holding the office of women’s general secretary. Elisabeth also tills the soil. She usually does her farm work in the afternoon after finishing her job at the clinic.

One afternoon I had a conversation with Elisabeth about women’s access to land. The excerpt below, from “Land is Food”, explains how she came by her land.

**Elisabeth:** *I was able to ask the church land manager. They still have a few free plots. The manager told me there was some land they weren’t sowing. He said they had a spare hectare and he offered to rent me half of it. That’s the one I’m working.*

**Me:** *But you got it because you’re in the church? It wasn’t available to just anyone?*

**Elisabeth:** *Yes, because we are in the same church...*

But her Christian status seems not to be the only factor which helped her get land from the Church. This is suggested by another scene from the film. One day in April 2007, after the rains had come, Elisabeth set out to visit *Pah* Roger to talk to him about the plot of land she’d been using. I decided to go with her. *Pah* Roger is both the land keeper and a respected elder of the church of which both he and Elisabeth are members. On this occasion we came across *Pah* Roger sitting in his compound making rope under a shelter (as we see in the film and on the picture below). His wife *Mah* Roger was also sitting outside with some of children. After the customary greetings they engaged their visitor in some everyday small talk before she was prompted to come to the main point of her visit.

**Mah Roger:** *Does Roger’s father (Pah Roger) know why you’re here?*

**Elisabeth:** *I haven’t mentioned it yet.*



Figure 4: Elisabeth asking for land

**Pah Roger:** *You mean it's about the land you used last year?*

**Elisabeth:** *Yes, I want to farm it again if possible, even if I must share with someone... though I can certainly manage on my own...*

**Mah Roger:** *The field is wide.*

**Pah Roger:** *You will get it. Though your neighbor has also asked to use the same plot. Still, the field remains available for you.*

**Elisabeth:** *I'd even considered asking about that cotton field.*

**Pah Roger:** *Ah... if the other one was no longer available... But I've told her that the field is for you, mother of Babette, and that you'll definitely be working it again. It was the only way I could put her off.*

**Elisabeth:** *Anyway, she has other fields available through her husband's family.*

**Pah Roger:** *Her husband's family.*

## **2- Analyses: ‘midwife’ in combination with ‘general secretary’**

This last excerpt reveals a competition for land between Elisabeth and her neighbor. But it seems that Elisabeth succeeded in holding on to her field not simply because of her Christian status. After all, the neighbor belongs to the same church. On the other hand her high rank within the church may have been a factor (her neighbor holds no such office) in combination with the high social standing she enjoys as an area nurse and midwife (the neighbor has no such public function). Perhaps it was considerations like these that helped Elisabeth hold off the neighbor’s challenge despite the impediment of her status as a single woman. On the other hand, Elisabeth is Mambay whilst her neighbour is a Moundang, the same ethnic group to which *Pah* Roger belongs. But it seems that, in this case, the neighbour’s ethnicity (and her being a Christian) did not give her the success that, for example, Ruth had with her plot in Poubomy based on her ethnic connection to her brother-in-law.

So the case of Elisabeth appears somewhat contrary to that of Ruth; ethnicity seems overshadowed by other issues to do with rank and social standing. One may further ask why Elisabeth was chosen as the women’s general secretary of the Church in the first place. I’d say that it’s largely because she’s one of the few women in this small organisation who can read and write in the three languages, French, Moundang and Fulani; so educational status can be added to the list of factors in her favour. We can observe, then, an implicit hierarchy among women based on what they do, their level of education and their social standing. In this case those criteria combined to place Elisabeth well up in the hierarchy helping her to secure land despite her status as a single woman. As Barth (1981) said:

*“Human acts are predominantly shaped by cognition and purpose, asserted through awareness and voluntary behaviour, i.e. through decision and choice. Regularities in multiple cases of choice are not satisfactory explained by the demonstration of the presence of some objective circumstances alone, but require an account of how these circumstances are perceived and evaluated by actors”.* P.122



## Chapter 6 CONCLUSIONS

This study has examined the customary land tenure system and women's ways of accessing land in Bipare and Kafinarou. Given that a female's land rights are regulated by customary law my aim has been to study the strategies women have devised to challenge restrictions on their land access in the context of the common claim that "women don't inherit land". My work has sought to identify aspects of both persistence and rupture in the application of customary law and to show how women have managed to negotiate their access to land within and between their households and their lineages.

The purpose of this chapter is to present some findings that can be drawn from my analysis of my empirical data. The issues around women's land rights in relation to customary law are complex. I do not pretend to have captured all aspects of rural women's relationships to land in this case study of Bipare and Kafinarou.

The fact that women do not have property rights as far as local tenure law goes and yet still gain both access to and ownership of land might be explained as follows: customary law is losing ground as a way of organizing ownership (6. 1); women negotiate their access to land in many ways and through various strategies (6. 2); the commodification of land actually increases women's possibilities in gaining access (6. 3) and the concentration of cash crops has meant that access to adequate markets, and by extension money, has become the main obstacle to women; their main preoccupation (6. 4).

### 6. 1 Local land tenure loses ground

Customary land tenure systems are changing. This is not new. It's long been recognized that, far from being static, traditional law is continually reinterpreted and readapted by customary chiefs. Aspects of the Bipare and Kafinarou case certainly contribute to this position. It affirms that demographic growth, agricultural intensification and the increased use of money in land transfer have tended to foster individualisation and commercialisation of land rights. Those same factors have also created a scarcity of arable plots and grossly inflated land values. So in this modern era of land scarcity and a redefined land transfer regime, inheritance, as the main customary way accessing land, is fast disappearing. Traditional rights to inherit are no longer a guarantee of land ownership: land is no longer for inheriting but for renting. This change in land transfer practice

and its consequences are well demonstrated in this conversation I have with Moussa in my film “Land is Food”:

*Me: But you get by with a plot from your father. How will your children ever be able to farm?*

*Moussa: It will be tough. But do kids settle anywhere now? They don't tend to stay in any one place. This year many young people left the village in order to look for land in Lagdo, some for fishing, others for farming. That's what our kids usually do, they move around. There is no land left here to be inherited.*

*Me: You hope your kids will leave the village?*

*Moussa: Only if they want to. If they decide to move away I will not try to stop them.*

*Me: And if they decide not to leave the village, what'll you do?*

*Moussa: We'll just have to ask the chief. We'll have to beg from the chief. As long as that's the chief's role, we could petition land from him. We'll beg to use it for one or two years. If he takes it back we'll look somewhere else. For that we need money.*

In so far as all farmers are becoming “land users” and arable fields the property of the *Waa*, land allocation is no longer the role of the father of the family. Nowadays, the commonplace notion that “women do not inherit land” seems to apply equally to men. Men, like women, can now only expect usufruct rights. But still women's land relation is defined by the customary principles. It's become a paradox to say that “women don't inherit land” in an era when there is no land to be inherited by anyone. This paradox raises once again the complexity of the dynamics of customary tenure practices in Sub-Saharan Africa in general and in Bipare and Kafinarou in particular.

## **6. 2 Women's access to land negotiated through kinship**

To consider the fact of the lack of ownership as the only way to grasp women's relationship to land in rural areas is to be blind to the multiple and varied strategies rural women deploy to get what they need. In fact, household and lineage structures, often seen as spheres that limit women's rights are better seen as tools utilized by women to get land. There is considerable heterogeneity, not only between households and lineages but also within them which women are able to exploit. Church groups, cooperatives, kinship and affinity as well as friendship, status

and, more recently, money are all means women use to open up heterogeneities and thus to challenge the system as it stands.

I have looked at gender relations in the research area not only in respect of husbands and wives but also with regard to wider kin and non-kin networks. Women's connection to the land and their role as producers require that they be seen not only as wives but also, for example, as daughters, as in-laws or as separated single women. It is a woman's particular status within a variety of roles, and in relation to both parental and marital kin, that determines her access to land and her tenure security. With their many strategies women have demonstrated the negotiable nature of kinship arrangements.

### **6. 3 Commodification increases women's access to land**

In a rapidly commodifying world, Bipare women's control over food and cash crops is in some ways strengthened and their rights to land use extended when there are more plots for rent. Consequently, this situation is tending to bring women tighter control over the factors of production; an essential element of power in a society so dependent on agriculture.

The fact of land being regarded as belonging to the chief has tended to open up individual property rights by way of monetized land transfer. The increased availability of rental plots pushes up commercial demand for land as well as opportunities for cash cropping as a way to supplement incomes. Family heads now rent what were once common lands for personal benefit, often without consultation with or compensation for those who have lost out. Whilst women had ways to benefit from customary arrangements the land access they could expect was limited by their kinship relations and by the availability of land within their lineages and households. The commodification of land, in a way, opens up the negotiability of land rights to far more extensive networks. A woman, with money gained from cultivating cash crops, is enabled to go beyond pre-established arrangements which have, till now, defined her land rights and limited her economic power.

### **6. 4 Access to markets**

The big limiting factor now for the farming women of Bipare and Kafinarou - their main preoccupation as they themselves attest - is access to adequate markets. Lacking proper markets

they're not in a position to exploit their control over the cash crops they produce. Markets mean access to money and access to money, in this day and age, means access to land.

## ***References***

Abramson, A. and D. Theodossopoulos.

2000. Land, Law and Environment Mythical Land, Legal Boundaries.  
Pluto Press, LONDON STERLING, VIRGINIA.

Altern, I. and L. Høltedhal.

2000. Knowledge about us and others. In Ngaoundere Anthropos Revue De Science Sociales. SVF-3102 (2)  
THE CROSSCULTURAL RESEARCH PROCESS:  
*METHODOLOGY*. 5: 30.

Arntsen, B. and L. Høltedhal.

2000. Visualizing Situatedness- The Role of the Audience/Reader  
In Knowledge Production. Paper presented at Challenging Situatedness- Gender, Culture and Knowledge. Tromsø.

Basu, P.

2006. Reframing Ethnographic Film. Kerry Press Ltd, Typset in XML.

Barth, F.

1981. Model of Social Organization and Analytical dimensions in the  
Comparison of social organization in Process and Form in Social Life Selected Essays of Fredrick Barth, Vol. I. Routledge & Keagan: London.

Beverly, J.

2002. Introduction to a Special Issue: Women, Language,  
And Law in Africa, Africa Today, India University Press: 1-14.

Boulaits, J.

1984. Les Groupes Humains, in Le Nord Cameroun des Hommes, Une region. Paris, ORSTOM

Boutrais, J.

1988. Du Politique a l'Economie, Etudes Historiques Dans Le Bassin du Lac Tchad, Actes du IVe colloque Mega-Tchad CNRS/ ORSTOM, 3. Paris.

Cleaver, F.

2000. Moral Ecological Morality, Institution and the Management  
Of Common Property Resources, Development and Change,  
Institute of Social Studies, Blackwell Publishers, Oxford, 31: 361-383.

- Cotula, L. 2007. Changes in “Customary” land tenure systems in Africa IIED, FAO.
- Cox, M. and H. Magel. 2002. FAO Corporate Document Repository, Originated by: Sustainable Development Department FAO Land Tenure Studies, Rome
- Dehaven King, L. 2001. State and Ethnicity in Pre-colonial Nigeria. James Madison University, Harrisonburg, USA.
- Dumont, L. 2006. Introduction to Two Theories of Social Anthropology, Descent Groups and Marriage Alliance. Methodology And History in Anthropology. 12.
- Emerson, R.M. and R. I. Fretz. 1995. Writing Ethnographic Fieldnotes. The University of Chicago Press, Chicago & London.
- FAO. 2002. Gender and Access to Land FAO and Agriculture Organization Of The United Nations. FAO Land Tenure Studies (4). Rome.
- Gardner, K. and Lewis D. 1996. Anthropology, Development and the Post Modern Challenge. PLUTO PRESS.
- Geisler, G. 2004. Women and the Remaking of Politics in Southern Africa, Negotiating Autonomy, Incorporation and Representation. NORDISKA AFRIKAINSTITUTET.
- Global Land Tool Network. 2006. Droits des Femmes au Sol, a la Propriete et au Logement: Guide global pour les politiques Publiques, Nation Unies, Genève.
- Hylland, E. 2001. Small Places, Large Issues, an Introduction to social And Cultural Anthropology. Second Edition, Pluto Press, London.
- Ikdahl, I. and A. Hellum. 2005. Human rights, formalization and women’s land rights in Southern and eastern Africa. Institute of Women’s law, University of Oslo.

- Koulandi, J. 2006. Rural Resettlement, Cotton Cultivation and Coping Strategies in the Benue River Basin, Northern Cameroon. Ph.D. Diss., University of Tromsø.
- Lavigne Delville, P. 2007. Changes in “Customary Land Management: Evidence from West Africa, IIED, FAO.
- Leacock, E. 1978. Women’s Status in Egalitarian Society, Implication for Social Evolution, in Myths of Male Dominance, Monthly Review, Press
- Le Roy, E. 1996. La Securisation fonciere en Afrique, Paris, Karthala.
- Lestringant, J. 1964. Les Pays de Guider au Cameroun, Paris, ORSTOM
- Ilene, P.R. 2002. Women and Work in Northern Nigeria, Transcending Boundaries, Institute of Social Studies, Lagos
- Report on the IMF, World Bank 2007. Independent Evaluation Office of IMF and Aid to Sub-Saharan African: <http://www.globalpolicy.org/Soceron/bwi-wto/imf/2007>
- MacDougall, D. 2006. The Corporeal Image, Film, Ethnography, And Senses. PRINCETON UNIVERSITY PRESS, PRINCETON AND OXFORD.
1998. Transcultural Cinema. Princeton University Press.
- Mohammadou, E. 1982. Le Peuplement de la Haute Benoue, Garoua, ONAREST
1981. L’Implantation des Foulbe dans L’Adamaoua. In Calude Tordits, Contributions de la Recherche Ethnologique B L’Histoire Civilisations du Cameroun. Paris CNRS
- Moore, H. L. 1988. Feminism and Anthropology, Polity Press
- Ogden, C.K. 1996. The History of Civilization, Rivers, London and New York, 12.
- Peirano, M. G.S. 1998. When Anthropology is at Home  
The Different Contexts of a Single Dicipline, Annual Reviews, Anthropology, 27: 105-28

- Peters, P. E. 2007. Challenges in Land Tenure and Land Reform in Africa: An Anthropological Perspective CID Working Paper No. 141 Harvard University
- Platteau, J. Ph. 2002. The Gradual Erosion of the Social Security Function of Customary Land Tenure Arrangements in Lineage Societies UNU/WIDER (insurance against poverty project) Discussion Paper No 2002/26
- Pontie, G. 1984. Les Societes Paiennes Populations et Ethnies L'organisation Sociale Et le Controle de L'espace. Les oppositions significatives. In Le Nord du Cameroun Des Hommes, Une Region, Paris, ORSTOM
- Ortner, S. 1974. Is Female to male as Nature is to Culture? In M.Z. Rosaldo and L. Lamphere (eds) Woman, Culture, and society, Stanford, C A: Stanford University Press
- Ousman, H. and Ch. Seignobos. 2001. Les Chefferies du Nord –Cameroun comme dispositifs exclusifs D'administration fonciere locale. GRET/IRD/LAJP workshop: Dispositifs locaux de regulation fonciere.
- Quan, J. 2007. Changes in Intra-Family Land Relations, IIED, FAO
- Qvist, E. 1998. Women's Access, Control and Tenure of land, Property And Settlement: the case of Egypt, Workshops on Women's Access, Control and Tenure of Land And Settlement in Stockholm. Sweden
- Pater, W. 1873. The Renaissance: Studies in Art and Poetry. Selected writing of Walter Pater by Harold Bloom (Dedication: To C. L. S.)
- Rapport des Nations Unies. 2003. Droits Economiques, Sociaux et Culturels/ Resolutions, La 59e session, Genève



- Rwabahungu, M. 2002. Legislation, Securisation, et conflits fonciers en Afrique. Forum Mondial de la Societe civile. ORSTOM.
- Schlyter, A. 1996. A Place to Live, Gender Research on Housing in Africa, Nordiska, Afrikainstitutet, Uppsala, Stockholm
- Seignobos, Ch. 1997. Observatoire du Foncier N0 1, Enjeux Fonciers dans La zone cotonniere du Cameroun, Maroua.
- Smedley, A. 2004. Women Creating Patriliney, Gender and Environment in West Africa ALTA MIRA PRESS
- Spradley, J P. 1980. Participant Observation, Library of Congress, USA
- Tripp, M. A. 2004. Women's Movements, Customary Law, and Land Rights in Africa: the case of Uganda, African Studies Quarterly, 7(4):1-24
- Tor, A. B. and C. Lund. 2002. Politics, Property and Production: Understanding Natural Ressources Management in the West African Sahel. In Gender and land Compendium of Country Studies, FAO, Rome.
- Van Asperen, P. and A. Mulolwa. 2006. Improvement of Customary Tenure Security as Pro-Poor Tool for Land Development- A Zambian case Study, 5<sup>th</sup> FIG Regional Conference, Accra, Ghana
- Verdier, R. 1986. Civilization Paysannes et Traditions Juridiques. In Systeme foncier a la ville et au village. Paris, L'Harmattan
- Zenebeworke T. M. 2005. Revisiting Customary Institutions and Gender Relations: A Daunting Challenge in Sub-Saharan Africa. In Gender and land Compendium of Country Studies, FAO, Rome.
- Zoraida, G. F. 2005. Introduction: Gender Equity and Land Rights. In Gender and Land Compendium of Country Studies, FAO, Rome,

